JOURNAL

OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY

Regular Session of 1954

VOL. I

Held in the State Capitol, in the Capital City of Kentucky, at Frankfort, in the Year of Our Lord 1954 and in the One Hundred and Sixty-Second Year of the Commonwealth

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Begun on the Fifth Day of January, 1954, and Adjourned Sine Die on the Nineteenth Day of March, 1954

PROPERTY OF THE COMMONWEALTH OF KENTUCKY

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JOURNAL

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REGULAR SESSION, 1954

TUESDAY, JANUARY 5, 1954

The General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol, in the City of Frankfort, on Tuesday, January 5, in the year of Our Lord, one thousand nine hundred and fifty-four and the one hundred and sixty-second year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, the Honorable J. Ervin Sanders, Chief Clerk of the House of Representatives during the session of the General Assembly last passed, called the House to order.

The House was opened with prayer by the Reverend Fred T. Moffett, pastor of the First Baptist Church of Frankfort, Kentucky.

Thereupon, J. Ervin Sanders, Chief Clerk of the House during the session of the General Assembly last past, and now presiding, produced and had Acting Clerk, Elesteen Hager read the following certification from the Secretary of State, viz:

I, Charles K. O'Connell, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the following is a true and correct list of the duly elected and qualified members of the House of Representatives of the Commonwealth of Kentucky, having been elected at the General Election held on November 3rd, 1953:

WITNESS MY HAND and seal of office, this 5th day of January, 1954.

CHARLES K. O'CONNELL
Charles K. O'Connell,
Secretary of State,
Commonwealth of Kentucky.

House of Representatives

1. Fulton-Hickman. Jennings H. Kearby, Democrat, Crutchfield.
2. Ballard-Carlisle. George H. Lovelace, Democrat, Barlow.
3. Graves. L. M. Tipton Reed, Democrat, Mayfield.
4. McCracken. Charles W. Burnley, Democrat, Paducah.
5. McCracken. Fred Morgan, Democrat, Paducah.
6. Marshall-Lyon. Shelby McCallum, Democrat, Benton.
7. Calloway. Owen Billington, Democrat, Murray.
8. Caldwell-Trigg. William L. Jones, Democrat, Princeton.
9. Christian. Edward T. (Ned) Breathitt, Jr., Democrat, Hopkinsville.
10. Hopkins. C. R. (Ruby) Harralson, Democrat, Madisonville.
11. Livingston-Crittenden. George F. Harris, Democrat, Salem.
12. Union. Will Tom Wathen, Democrat, Morganfield.
13. Webster-McLean. J. Murray (Hunkie) Blue, Democrat, Clay.
14. Henderson. Carl D. Melton, Democrat, Henderson.
15. Daviess. William E. Maglinger, Democrat, Owensboro.
16. Daviess. Robert Reid, Democrat, Route One, Owensboro.
17. Muhlenberg. George R. Martin, Greenville.
18. Hancock-Ohio. C. Waitman Taylor, Republican, Lewisport.
19. Todd. W. L. Hadden, Democrat, Elkton.
20. Logan. Paul E. Young, Democrat, Olmstead.
21. Simpson-Allen. John Rhea Banton, Democrat, Franklin.
22. Warren. Tom Mobley, Democrat, Bowling Green.
23. Edmonson-Butler. Alton B. Mitchell, Republican, Brownsville.
24. Grayson. Damon Majors, Democrat, Caneyville.
25. Hardin. T. D. Winstead, Democrat, Rineyville.
26. Breckinridge-Meade. Walter R. Moorman, Democrat, Route 1, Hardinsburg.
27. Barren. Mrs. Randolph Wilson, Democrat, Glasgow.
28. Metcalfe-Monroe. Wallace Bartley, Republican, Summer Shade.
29. Adair-Green. David Heskamp, Republican, Columbia.
30. Taylor-Marion. W. W. Webster, Democrat, Mac.
31. Hart-Larue. C. E. Dowell, Democrat, Horse Cave.
32. Anderson-Nelson. Eddie J. Morris, Democrat, Lawrenceburg.

33. Bullitt-Spencer. Leo A. Bleemel, Democrat, Shepherdsville.
34. Jefferson. Henry R. Heyburn, Republican, 3918 Leland, Louisville.
35. Jefferson. William J. Conley, Democrat, 3637 Robin Drive, Louisville.
36. Jefferson. Chester J. Holsclaw, Democrat, 216 Stilz, Louisville.
37. Jefferson. Edward O. Bridgers, Democrat, 2023 Sherwood, Louisville.
38. Jefferson. Mrs. Thelma L. Stovall, Democrat, 515 Camp, Louisville.
39. Jefferson. Warren D. Williams, Democrat, 425 West Ormsby, Louisville.
40. Jefferson. Clarence J. Barnum, Democrat, 1035 S. 7th St., Louisville.
41. Jefferson. Charles E. Baumgardner, Sr., Democrat, 3915 Taylor Boulevard, Louisville.
42. Jefferson. The Rev. Felix S. Anderson, Democrat, 650 S. 21st St., Louisville.
43. Jefferson. Thomas J. Murphy, Democrat, 3505 N. Western Parkway, Louisville.
44. Jefferson. Eulick (Mike) Walsh, Democrat, 746 S. 39th St., Louisville.
45. Washington-Mercer. Jack Raybourne, Jr., Democrat, Springfield.
46. Garrard-Boyle. Cecil C. Sanders, Democrat, Lancaster.
47. Madison. R. Josh Cosby, Democrat, Richmond.
48. Woodford-Jessamine. Robert K. Montgomery, Route 4, Versailles.
49. Fayette. John Young Brown, Democrat, Lexington.
50. Fayette. Foster Ockerman, Democrat, Lexington.
51. Franklin. William M. Horn, Democrat, Frankfort.
52. Shelby. Paul T. Ratcliffe, Democrat, Shelbyville.
53. Trimble-Oldham. J. C. Bradley, Democrat, Bedford.
54. Boone-Gallatin. Joe Rouse, Democrat, Verona.
55. Owen-Grant. Paul Cobb, Democrat, Route 3, Owenton.
56. Harrison-Scott. Lloyd E. Rogers, Democrat, Cynthiana.

57. Henry-Carroll. Louis T. Peniston, Democrat, Turner's Station.
58. Kenton. John L. Day, Democrat, 103 Shelby Street, Bromley.
59. Kenton. Vernor O. Cottengim, Democrat, 4312 Church Street, Covington.
60. Kenton. James A. Dressman, Jr., Democrat, 1503 Woodburn, Covington.
61. Kenton. Thomas P. Fitzpatrick, Democrat, 305 W. 6th St., Covington.
62. Campbell. Charles W. Wirsch, Republican, 2409 Alexandria Pike, Highland Heights.
63. Campbell. Morris Weintraub, Democrat, Finance Building, Newport.
64. Pendleton-Bracken. W. Marvin Davis, Democrat, Falmouth.
65. Mason. Addison L. Everett, Democrat, Maysville.
66. Fleming-Robertson. Herbert Fern, Democrat, Cowan.
67. Bourbon-Nicholas. Cassius M. Clay, Democrat, Paris.
68. Clark. Walker H. Wiseman, Democrat, 14 Alabama, St., Winchester.
69. Menifee-Montgomery. Hicks Wells, Democrat, Frenchburg.
70. Bath-Rowan. Walter J. Bailey, Democrat, Preston.
71. Lewis. Hobart Rayburn, Republican, Emerson.
72. Greenup. Estill R. Hilton, Democrat, Raceland.
73. Carter. Roger E. Qualls, Republican, Olive Hill.
74. Knott-Magoffin. W. R. Smith, Democrat, Hindman.
75. Wolfe-Morgan. Talmage Lacy, Democrat, Gillmore.
76. Lee-Breathitt. Russell Reynolds, Democrat, Beattyville.
77. Estill-Powell. Ralph E. McClanahan, Democrat, Irvine.
78. Owsley-Jackson. James Treadway, Republican, Traveller's Rest.
79. Rockcastle. James W. Lambert, Republican, Mount Vernon.
80. Lincoln. Cabell D. Francis, Democrat, Stanford.
81. Russell-Casey. Harold G. Helm, Republican, Russell Springs.
82. Cumberland-Clinton. William C. Mann, Republican, Marrowbone.

83. McCreary-Wayne. O. O. Duncan, Republican, Whitley City.
84. Pulaski. Varna Holt, Republican, Somerset.
85. Whitley. Charles W. Craig, Republican, Williamsburg.
86. Laurel. Caleb McFadden, Republican, London.
87. Knox. Charles W. Buchanan, Republican, Barbourville.
88. Bell. William A. Routh, Democrat, Middlesboro.
89. Harlan. Edward D. Pollitte, Democrat, Harlan.
90. Harlan. LeRoy Saylor, Republican, Cumberland.
91. Leslie-Clay. William J. Marcum, Republican, Hyden.
92. Letcher. Harry M. Caudill, Democrat, Whitesburg.
93. Perry. Dr. Clyde D. Wooton, Republican, Hazard.
94. Pike. Goebel W. Newsom, Jr., Democrat, Elkhorn City.
95. Pike. Harold Edmonds, Democrat, Canada.
96. Floyd. Lon C. Hill, Democrat, Prestonsburg.
97. Floyd. E. H. (Ted) Stumbo, Democrat, Harold.
98. Martin-Johnson. Albert Dempsey, Republican, Inez.
99. Lawrence-Elliott. William B. Wells, Democrat, Louisa.
100. Boyd. Harry King Lowman, Democrat, Ashland.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Charles W. Burnley
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert

George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Thereupon the oath of office as required by the Constitution was then administered to each and all of said members by the Honorable Brady Stewart, Judge of the Court of Appeals.

The Chief Clerk then announced that the election of the Speaker of the House of Representatives was in order.

Mr. Fred H. Morgan named the Honorable Charles W. Burnley of the County of McCracken as a suitable person to fill said office.

Said nomination was duly seconded by Mr. Thomas Fitzpatrick.

Mr. Charles Buchanan named the Honorable James W. Lambert of the County of Rockcastle as a suitable person to fill said office.

Said nomination was duly seconded by Charles Craig.

There being no further nominations for the office of Speaker of the House of Representatives, the vote being taken thereon resulted as follows, viz:

Those who voted for Burnley were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Those who voted for Lambert were—

Wallace Bartley
Charles W. Buchanan
Charles W. Burnley
Charles W. Craig
Albert Dempsey
O. O. Duncan
Harold G. Helm
David Heskamp
Henry R. Heyburn
Varna Holt
Caleb McFadden
William C. Mann
William J. Marcum
Alton B. Mitchell

Roger E. Qualls	C. Waitman Taylor	Charles W. Wirsch
Hobart Rayburn	James Treadway	Dr. Clyde D. Wooton
LeRoy Saylor		—21

The Honorable Charles W. Burnley having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared by the Chief Clerk to be duly elected Speaker of the House of Representatives.

The Chief Clerk appointed Mr. George H. Lovelace, Carl D. Melton, William J. Conley, Fred H. Morgan, Thomas P. Fitzpatrick, T. D. Winstead, Foster Ockerman, W. R. Smith, and W. A. Routh as a committee to inform the Speaker of the action of the House and to escort him to the Chair.

After a time the Committee aforesaid accompanied the Honorable Charles W. Burnley onto the floor of the House where, having taken his place at the Speaker's desk, expressed his appreciation for the honor conferred upon him and announced that he was now ready to take the oath of office, which oath was administered by the Honorable Brady M. Stewart, Judge of the Court of Appeals.

The Speaker then announced that the next order of business was the election of a Chief Clerk of the House and minor offices to be filled by the House, in accordance with the Constitution.

Thereupon, Mr. Harry King Lowman named the J. Ervin Sanders of Pike County as a suitable person for the office of Chief Clerk of the House; and the other constitutional employees: Assistant Clerk, Mrs. J. T. Linton; Sergeant at Arms, Robert Peebles; Doorkeeper, Press Blackburn; Enrolling Clerk, Mary Purdy; Janitor, Lawrence Watts; Cloakroom Keepers, Tom Monarch, Kobert Borders; Pages, Clinton Rouse, Linda Jo Bruce, Charles Watson, Mary Martin.

Mr. Lowman moved that the above named officers be elected by acclamation.

Motion was seconded by Mr. Wathen.

Without objection, the above named officers were duly elected by acclamation.

Thereupon all of the said officers above named, who were present in the House, appeared before the bar of the House and took the oath of the Office as required by the Constitution and laws of Kentucky, which oath was administered by the Honorable Brady M. Stewart, Judge of the Court of Appeals.

Mr. Lowman offered the following resolution, viz:

H. Res. A. Resolution authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

Said Resolution is as follows, viz:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee to be appointed from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Mr. Lowman moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

Thereupon the Speaker appointed the following as members constituting said Committee.

William L. Jones, George H. Harris, Chester Holsclaw, William Horn, E. R. Hilton, Thomas P. Fitzpatrick, Mrs. Randolph Wilson, Lon Hill, and James W. Lambert.

Mr. Lowman moved that the House do now recess, to await the return of the Committee.

Said motion was agreed to.

Fifteen minutes having expired the Speaker resumes the Chair, and called the House to order.

Mr. Jones of the Committee heretofore appointed to wait upon the Senate and the Governor, reported that they had discharged the duties imposed upon them and that they had been informed by the Governor as follows:

January 5, 1954

Mr. Charles Burnley
Speaker of the House of Representatives
Frankfort, Kentucky
Dear Mr. Burnley:

The 1954 General Assembly having convened, it is requested that the House of Representatives and the Senate meet in joint session on Tuesday afternoon, January 12, 1954, for the purpose of hearing my report regarding the general status of State Government and my message on the fiscal operations of the Commonwealth for the coming biennium.

Your courtesies extended in this connection will be deeply appreciated.

Sincerely yours,

/s/ Lawrence W. Wetherby
Governor

Mr. Lowman moved that the following rules be adopted by the 1954 regular session of the House of Representatives as follows:

RULES OF THE HOUSE

1954 SESSION

Section 1. The House shall meet at 1 P.M., except on Monday, when it shall meet at 8:00 P.M. The official time of the House shall be governed by the House clock over the main entrance.

Whenever the word House is used in the following rules, it shall mean the House of Representatives of the Commonwealth of Kentucky.

Section 2. If the Speaker is to be absent from the House, he shall have the right to name any member to perform the duties of the chair, but such Speaker Pro Tem, shall not be empowered

to act beyond a period of (5) five days, and each such designation shall be in writing filed with the Clerk of the House.

Section 3. If a quorum be not present at the time fixed for a meeting of the House, five Members may adjourn or recess from day to day or from time to time in any day when a quorum is not present, and fifteen Members may order a call of the House and send for absent Members. No Member shall absent himself from a session of the House without leave from the House.

All pairs announced in the House shall be entered on the Journal.

The names of Members shall be arranged alphabetically upon the roll call or when taking a yea and nay vote.

Any Member, with a second, may demand a roll call on any matter pending before the House.

Section 4. Upon a call of the House the roll shall be called by the Clerk, and the absentees noted. The absentees shall then be called again. The doors of the House Chamber shall then be closed and the absentees for whom no sufficient excuse is made, by order of a majority of those present, may be sent for and arrested wherever they may be found by the Sergeant-at-Arms or his assistants, and their attendance secured and retained; and the House shall detremine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the floor of the House and they shall report their names to the Clerk to be entered upon the Journal as present.

Section 5. No person shall be permitted upon the floor of the House when in session except the Governor, his secretary, the present members of the Senate and the Clerks thereof, and any members of the family of the Governor and of the Presiding Officer of the House, or of any Representative, or of the Governor's Private Secretary, and all officers and employees of the House, and Judges and Commissioners of the Court of Appeals; bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the privileges of the floor when recommended by the Committee on Committees. Such newspaper correspondents,

when admitted to the privileges of the floor, shall be governed by the rules of the House. Accredited newspaper correspondents shall be assigned by the Speaker of the House to a press section specifically set aside for them by the order of the Speaker of the House. Provided that any one person may be extended the privilege of the floor upon invitation previously extended such person by a majority vote of the members of the House, but such privilege shall be extended only for a specified day and no other.

No person who shall have been extended the privilege of the floor for a specific time, as herein provided, shall engage in any activities for or against any bill, motion or other proceeding upon the floor of the House while in session. No privilege of the floor shall be granted to any registered lobbyist or legislative agent or to any unregistered lobbyist or legislative agent if the same be known by the House, and it shall be the duty of any Member having such knowledge to bring it to the attention of the House.

No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter into any of the rooms assigned to the use of the House while the House is in session, or remain in the corridors or passages on the third floor of the Capitol assigned to the use of the House. Provided, however, this rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

It shall be the duty of the Sergeant-at-Arms and the Doorkeeper of the House to exclude all persons not entitled to the floor of the House Chamber. If, however, other persons find their way to the floor, it shall be the duty of the Sergeant-at-Arms to remove them. At least five mintues before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the House Chamber of all persons not entitled to the floor and he shall make announcement in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person then in the House Chamber who is not entitled to remain therein to leave the House Chamber.

Section 6. In the event of any disorder in the gallery or in the House Chamber, the Speaker shall have power to have same repressed. He may require the Sergeant-at-Arms or other officers or employees of the House to clear the gallery or to remove from the gallery or the House Chamber any persons creating disturbances or disorders or who may not be entitled to the privileges of the floor of the House.

Section 7. All the employees of the House, except the assistants to the Clerk, shall, each legislative day one hour before the meeting of the House for that day, report to the Sergeant-at-Arms of the House, who shall, in turn, report to the Committee on Committees of the House whether or not all of said employees are on duty; and the Committee on Committees of the House whenever it deems it necessary, shall report to the House any dereliction of duty. No employee of or person elected by the House shall receive any fee, tip or compensation from any Member. Any violation of this rule shall be ground for dismissal of said employee.

DUTIES OF THE SPEAKER

Section 8. The Speaker of the House shall take the chair every day precisely at the hour fixed for the meeting of the House, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, provided the reading of the same is not dispensed with by the House.

He shall preserve decorum and order, and, while presiding, may speak to points of order in preference to Members. He shall decide points of order and manner of procedure; but any decision made by him shall be subject to appeal to the House. Every such appeal shall be in writing, and signed by at least two Members.

During the pendency of an appeal to the House from a decision of the chair, the Speaker of the House, or the officer from whose decision the appeal is taken, shall vacate the chair, and call the Majority Caucus Chairman to preside during the appeal.

Section 9. All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when such paper is issued; and his signature to said paper

shall be attested by the Clerk, when ordered by a majority of the Members.

Section 10. Members shall vote only when at their seats or when visibly approaching it. If the Speaker be in doubt as to the result of a viva voce, or a division be demanded, the House shall divide.

Those voting in the affirmative shall first rise and be counted. After the Speaker has announced the number of those voting, those voting in the negative shall rise and be counted and the number so voting shall be announced by the Speaker. He may appoint tellers to count those voting.

Section 11. If any Member, in speech or otherwise, transgresses the rules of order or decorum or becomes offensive to the chair, or to any member, he shall immediately be called to order by the chair either with or without motion or suggestion from a Member, and he shall immediately take his seat.

The objectionable words shall be reduced to writing by the Clerk, who shall then read them to the House. The Speaker, after hearing a short explanation from the alleged offender, or upon the withdrawal of the objectionable language, may permit the one offending to proceed, or he may compel continued silence upon the one so offending until the matter under consideration is disposed of. The ruling of the chair, whatever it may be, shall be subject to an appeal to the House. A Member offending in this respect shall be liable to the censure of the House.

No Member shall designate another Member by name.

Section 12. If two or more Members arise from their respective seats and address the chair (nearly together), the Speaker shall determine who was first and recognize him, but no Member may speak more than once to the same subject until all the Members desiring to be heard have spoken. Nothing in this rule shall, however, do away with the "previous question" if then in effect. Neither shall it permit debate on an undebatable motion.

No Member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which

period, or any portion thereof, the floor shall be returned to the Speaker.

Section 13. No Member shall vote on any question in the result of which he is personally or privately interested.

CLERK OF THE HOUSE

Section 14. The Clerk shall make all reports to the Senate, unless otherwise ordered.

Section 15. Each day, half an hour before the time fixed for the meeting of the House, the Clerk or one of his assistants shall be present at the Clerk's desk with the minutes of the preceding session for the inspection of any member of the House.

Section 16. All questions of order, together with the disposition of the same, shall be noted by the Clerk upon the Journal.

The Chief Clerk of the House shall, on the last day of the session of the General Assembly, file with the House an itemized statement of the expenditures made by him.

Clerk To Have Charge of Clerical Business of House.—The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk.—It shall be the Clerk's duty to read to the House papers ordered to be read; to call the roll and note and report the absentees when a call of the House it ordered; to call the roll and note the answers of members when a question is taken by yeas and nays; to assist, under the direction of the Speaker of the House, in taking the count when any vote of the House it taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House and to report to the Speaker of the House, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of all bills, and to the

adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, and engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House.

Clerk To Have Custody Of All Records.—The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Clerk To Have Charge Of All Printing.—The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes.

The Bill Clerk of the House shall, upon receipt of any printed bill from the public printer, take the same immediately to the Clerk's office and there procure the second copy of the bill introduced by which to proof read the same; and, upon finding any typographical error, shall return the printed bills to the public priter with his signed statement "Acceptance refused by reason of typographical error."

ORDER OF BUSINESS

Section 17. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and approval of the Journal.
4. Motions, Petitions and Communications.

5. Resolutions.
6. Introduction of Bills.
7. Report of Committees.
8. First Reading of Bills.
9. Second Reading of Bills.
10. Orders of the Day.
11. Announcements.
12. Reference of Bills to Committees.

Section 18. A petition, memorial or other paper addressed to the House or the Legislature may be laid before the House by the Speaker or a Member to whom the same was sent for presentation and a brief statement may be made by one presening the same.

Section 19. Unfinished business which was being considered upon the last adjournment shall have precedence in that class of business to which it properly belongs upon the next succeeding legislative day.

Section 20. In forming a Committee of the Whole, the Speaker shall preside as Chairman.

Section 21. Upon a bill's being committed to the Committee of the Whole, the same shall be first read through by the Clerk (unless otherwise ordered by a majority), and then again read for amendments by clauses or sections, leaving the title to be last considered. After report, the bill shall then again be read, if desired by a majority, for amendment or debate.

Section 22. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper and so reported to the House, as the same shall have been agreed to, and the same shall be considered in the House in the order in which they were adopted in committee; and all amendments made in committee to an original motion shall be incorporated with the motion and so reported, and the above rule shall apply to all other subjects in Committee of the Whole as well as bills.

Section 23. Nothing shall be introduced or offered in Committee of the Whole except it relates to the matter under consideration.

BILLS

Section 24. Bills To Be Presented In Quadruplicate.—All bills shall be introduced in quadruplicate and all copies shall be signed by the member introducing the same. They shall be typewritten, with one original and three distinctly legible copies. The original copy shall be the official bill, and shall be retained in the office of the Clerk of the House. The second copy shall be used for printing and committees. The third copy shall be for the use of and accomodation of the press and shall be kept in the office of the Clerk of the House in some convenient place for this purpose. The fourth copy shall be provided to the Legislative Research Commission. All copies shall be backed with a protective cover. The title of the bill, or a portion thereof, shall be placed on the top quarter of the back of each bill, and the name of the sponsor shall be signed at the bottom of each back.

Section 25. Resolutions having the force and effect of law shall be, in all respects, treated and considered as bills under these rules.

Printing Of Bills.—The Clerk is ordered to have printed 200 copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House.

Section 26. Bills originating in the House shall be introduced in open session and each shall be read by its title. The bill shall then be referred to a committee and be printed for the use of the members.

If a bill be reported unfavorably, or without expression of opinion, a vote may then be taken whether it shall be read at length and be placed on the calendar. Provided, however, that shall not be done unless a majority of the members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the calendar to be kept by

him, and so remain on the calendar till the next succeeding legislative day. Said bill shall then be entitled to its second reading.

The Clerk shall keep a calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any member and be considered as if it had been regularly reported. Provided, however, that no bill may be called from any committee without the concurrence of a majority of members elected to the House.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with at the instance of a majority of all the members elected to the House, and the bill may then be read by its title. No bill shall become a law unless on its final passage it receives votes of at least two-fifths of the members elected to the House and a majority of the members present and voting taken by yeas and nays entered on the Journal; provided any act or resolution for the appropriation of money or the creation of a debt shall, on its final passage, receive the votes of a majority of all the members elected to the House, and provided further that any bill wherein it is declared that an emergency exists shall require the concurrence of a majority of the members elected to the House by a yea and nay vote entered upon the Journal.

Bills shall be printed in the order in which they are introduced and will be distributed immediately upon receipt from the printer.

Section 27. The Clerk of the House shall keep a record showing to what committee each bill or resolution has been referred and the date of such reference, together with the date of its return to the House. The records shall also show the date when the committee first received the bill and when the same was finally reported by the committee to the House.

It shall require a majority of the committee membership to report a bill favorably. The report or recommendation of the committee which considered the bill, together with a minority

report if one be made, shall also be entered upon said record under one of the following expressions:

"Favorably Reported"

"Favorably Reported, Accompanied by a Minority Report"

"Unfavorably Reported"

"Unfavorably Reported, Accompanied by a Minority Report"

"Without Expression of Opinion."

Upon the call of standing committees by the Clerk, the Chairman or ranking member thereof shall disclose the disposition of the matter or matters submitted to their respective committees in the following manner:

"Mr. Speaker, the Committee on _____ (naming the Committee), to which was submitted _____ (Senate or House bill or resolution, naming the same and giving the number thereof), reports as follows:

"Unfavorably Reported" or

"Favorably Reported" or

"Favorably Reported, Accompanied by a Minority Report" or

"Unfavorably Reported, Accompanied by a Minority Report" or

"Without Expression of Opinion."

A minority report must be signed by those members who have dissented from the committee's report and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. Howevre, it shall require a majority of the members elected to adopt same; but it shall always be required that the committee's report be read before the minority report is read.

Section 28. The House Journal shall also note the dates upon which all bills and resolutions were sent to their respective committees as well as the dates upon which same were returned to the House.

Section 29. The Clerk of the House shall keep a calendar for each legislative day of the session showing the bills entitled to a second reading upon that day distinguishing between House bills and Senate bills.

Section 30. When a House bill has been amended in the Senate and the House has concurred in the Senate amendment, the bill as amended shall immediately be put upon its passage.

When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate bill has been amended by the House and the Senate refuses to concur in said amendment, and when neither will recede from such action, a Committee on Conference shall be appointed by the Committee on Committees of the House to meet a like committee from the Senate and said Committee shall confer with the Senate Committee and report back to the House within a reasonable time.

When a bill has been referred to the Committee on Conference and a report has been made thereon in the same manner as reports are made for House bills, the conference report shall be voted upon; and, if adopted, the bill shall immediately be put upon its final passage.

EVERY BILL SHALL BE PUT UPON ITS FINAL PASSAGE IMMEDIATELY AFTER ITS THIRD READING UNLESS OTHERWISE ORDERED BY THE HOUSE.

Section 31. Every House bill and joint resolution, together with the amendments thereof, passed by the House and being the subject of no further amendment or motion, shall be engrossed by the Clerk of the House and delivered to the Senate in open session by the Clerk of the House or some one designated by the Clerk of the House.

Section 32. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, amendment or debate, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House. A bill may be recommitted or amended at any time before its passage.

Section 33. When a bill shall have passed the House and shall have been properly engrossed, and shall no longer be the subject of further amendment or motion, it shall be so certified by the Clerk of the House, endorsing thereon the day of passage or adoption, and taken by him or someone designated by him and delivered to the Senate in open session, and its concurrence asked therein. A like procedure shall be observed toward Senate bills.

Section 34. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee, but if referred, it shall be done in the same manner as original bills are referred.

Section 35. *Bills After Their Second Reading Shall Be Placed In The Orders Of The Day In The Order In Which They Have Been Given Their Second Reading,* and shall be taken therefrom for their third reading and final consideration in the order in which they appear in the Orders of the Day, unless otherwise ordered by a majority of Members elected.

Section 36. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical Senate bill which is in the Orders of the Day of the House.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

All amendments shall be given the proper page and line of the printed bill.

The Clerk shall post conspicuously the numbers of all bills recommended for said calendar by the Rules Committee and the numbers of all bills placed in said calendar by the Committee of the Whole House.

Amendments—Form For.—The Clerk shall furnish the members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall

be on such blanks and bear the name of the members offering the same.

Must Be Germane.—No amendment shall be in order that is not germane to the matter under consideration; and the Speaker of the House, when the question is raised, shall rule as to the admissibility of the proposed amendment, subject to appeal as hereinbefore provided in these rules.

By Striking Out Enacting Clause.—A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Section 37. Bills originating in and passed by the Senate when reported to the House shall be referred to the Committee on Committees and shall take the same course as other bills.

Section 38. All House bills and resolutions which have passed both Houses, the Senate and the House of Representatives, shall be delivered by the House Clerk to the Enrolling Clerk, in the order in which passed, who shall be responsible for their safekeeping until they are delivered to the Committee on Enrollment.

The Enrolling Clerk of the House shall take charge of all House Bills as soon as they are referred back to the House and ready to be enrolled. The number and title shall be kept by the Chief Clerk in a suitable record book of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate, attesting the fact and date of passage. A printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and turned over to the Committee on Enrollment. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in long-hand.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, then the Chief Clerk of the

House shall first engross said amendments in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House and taking her receipt therefor, as in the case of other House bills which were not amended by the Senate. It shall then be the duty of the Enrolling Clerk to cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. The same procedure shall apply to House resolutions.

If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled, which, when done, shall be delivered to the Committee on Enrollment as is first provided herein.

So soon as said enrollment is completed the Enrolling Clerk shall deliver the original bill or resolution and the enrolled copy thereof to the Committee on Enrollment, which Committee and the Enrolling Clerk shall jointly compare one with the other, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House.

When signed by the Speaker of the House, the Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall be responsible for the safekeeping thereof and who shall present the enrolled bill or resolution to the Governor for his approval, and take his receipt for same.

Section 39. The Committee on Enrollment and the Committee on Committees may report at any time except during roll call or while a vote is being taken.

Section 40. No bill shall be copied or distributed by the public printer or any employee of the House or other person whose duty it is to have custody of the same until the same shall

have been printed and returned with the printed copies thereof to the Clerk of the House, and all bills shall remain at all times in the hands of the Clerk of the House, public printer, Committee on Committees or the committees to which said bills have been referred.

Section 41. No record which is in the hands of the Clerk of the House and is required by law to be entered upon the Journal of the House shall be copied by the Clerk or any other person for any person or persons whatsoever until same shall have been entered upon the aforesaid Journal and said Journal shall have been approved.

Section 42. No bill shall be considered by the House during the last fifteen legislative days of the session of the House or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the session of that body nor during any special session except upon the recommendation or report of the Rules Committee of the House previously obtained, unless otherwise ordered by a majority of the members elected to the House.

The Rules Committee of the House will take charge of and control all bills to be considered by the House during the last fifteen legislative days of the session of the House and during any special session and will determine what bills shall be considered during that time, and the order in which they shall be taken up and considered.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the "last fifteen legislative days" as hereinabove provided shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed for the sine die adjournment. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Majority Floor Leader of the House shall act for the

Rules Committee in calling from committee any bills or resolutions and shall be recognized by the Speaker of the House for said purposes during all times that the Rules Committee is in charge.

The Speaker of the House shall act as chairman of the Rules Committee.

Section 43. In the absence of a specific rule of the House, Roberts *Rules of Order* shall govern the proceedings.

PARLIAMENTARY RULES

Section 44. No committee except the Committee on Enrollment, Committee on Committees and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House.

Section 45. The House may correct errors in the Journal on the day the Journal containing errors is presented to the House for approval.

Section 46. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in possession of the House, and shall not be withdrawn without consent of the House.

Section 47. When a question is under consideration, no motion shall be in order except:

First—To fix the time to which the House shall adjourn.

Second—To adjourn.

Third—To take recess.

Fourth—To lay on the table.

Fifth—For the previous question.

Sixth—To postpone to a fixed time.

Seventh—To commit.

Eighth—To amend.

Ninth—To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged; and the first five of them shall not be debatable. A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status thereof unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Section 48. A motion to strike out the enacting words of a bill or resolution shall have precedence over a motion to amend; and if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Section 49. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a member is speaking or while a vote is being taken, or when the Committee on Committees is reporting; subject, however, to the limitation set out in Rule 47.

Section 50. When the "previous question" has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall be to put an end to all debate; to prevent the offering of additional amendments, and to bring the House to an immediate vote upon the measure and amendments aforesaid.

The "previous question" may be ordered by a majority of the Members voting on that question. On the call of the roll, no Member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the "previous question" has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes.

Section 51. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Section 52. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Section 53. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Section 54. A motion to reconsider a vote shall not be in order unless made by a Member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days in which the House is in session next after the day the vote was taken.

However, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Member.

Section 55. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Member, but it shall not again be read on the same day unless so ordered by the House.

Section 56. The Rules of the House, after their adoption, shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the members elected to the House.

Whenever the rules are suspended as above, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Section 57. All questions, whether in Committee of the Whole or in the House, *When Not a Privileged Question,* shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Section 58. The rules of procedure in the House shall be observed in committee in so far as the same are applicable.

Section 59. When the roll is being called in taking a yea and nay vote, and the hour of adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the announcement of the result made.

Section 60. In all elections a previous nomination shall be made.

Section 61. When a motion has been made and seconded, it shall be stated by the chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Section 62. In all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all the members elected thereto.

Section 63. Two hundred copies of these rules shall be immediately printed for use of the House.

Section 64. All resolutions to authorize the filing of suits against the Commonwealth of Kentucky or any department or agency of the State shall be referred by the Clerk of the House to the Committee on Claims.

Before that Committee shall report any such resolution with the expression of opinion that the same should pass, the Committee shall require that each person seeking to obtain such authorization for suit shall file with the Committee a statement, duly sworn and subscribed to, in which all the facts and circumstances connected with the cause of action on which such person seeks to recover are set forth; and such statement, before such Committee shall report the resolution favorably, shall set forth a prima facie case against the Commonwealth of Kentucky or any department or agency of the State.

Section 65. The following shall be the standing committees of the House. There shall be a Committee on Committees composed of the Speaker of the House, the Majority Caucus Chairman and the Majority Floor Leader of the House, and the majority of said Committee shall have full power to act on all matters referred to said Committee either by these rules or by the action of the House. All bills and resolutions, either joint or concurrent shall, upon their introduction, be automatically referred to the Committee on Committees who shall refer same to the proper Committee not later than the second day in which the House is in session after the date of introduction.

The Committee on Committees shall have supervision and control over all employees of the House, whether elected by the House or appointed by the Committee on Committees or other-

wise, and the Committee on Committees shall see that they perform all of their duties to the House and the members thereof. The Committee on Committees is empowered to discharge any or all of said employees and officers except the constitutional officers of the House. The Committee on Committees shall appoint the members of all other standing and special committees and shall fill any vacancies thereon.

The following shall be the other standing committees of the House:

Committee on Committees

Agriculture

Appropriations

Aviation

Banks and Banking

Charitable, Penal and Reformatory Institutions

Cities of the First Class

Cities of the Second Class

Cities of the Third Class

Cities of the Fourth Class

Cities of the Fifth Class

Cities of the Sixth Class

Committee on Claims

Compensation for Industrial Injuries

Conservation, Ditches and Drains

Constitutional Amendments

Courts and Legal Procedure

Criminal Law

Education

Elections

Enrollment

Executive and Legislative Affairs

Fish and Game

Forestry, State and National Parks

Higher Education

Insurance

Judiciary and Judicial Council

Kentucky Statutes No. 1

Kentucky Statutes No. 2

Labor

Library and Historical Records

Mines, Oils and Minerals

Motor Transportation

National and Civil Defense

Public Health

Public Utilities

Railroads

Regulation of Intoxicating Liquors

Revenue and Taxation

Roads and Highways

State Fair

Veterans' Legislation and Military Affairs

Ways and Means

Mr. Weintraub offered amendment No. 1 to the proposed rules as follows:

That all of Sections 26, 27, 35, 39, 40, 42, 44, 50 and 65 of the 1952 Rules be stricken and that the Sections remaining thereupon be renumbered consecutively, as a result of which the last Section would then be Section 56.

That there then be added to the rules the following Sections, to-wit:

SECTION 57. COMMITTEE ON COMMITTEES AND CONTROL, STANDING COMMITTEES, APPOINTMENT AND TIMES AND PLACES OF MEETING.

(a) There shall be a "Committee on Committees and Control" which shall be the permanent standing Committee of the House of Representatives, and shall meet at such time or times as is necessary for the prompt dispatch of such business as may come before it. It shall meet upon call of the Speaker of the House or upon the written request of Twenty-four (24) Members thereof filed with the Speaker and the Clerk of the House.

(b) Said "Committee on Committees and Control" shall be composed of Twenty-five (25) Members of the House, plus the Speaker, the Majority Floor Leader and the Minority Floor Leader. The Speaker shall have no vote except in the case of a tie. He shall be chairman of the Committee on Committees and Control. Said members shall be selected Three (3) each from each Congressional District at Separate meetings to be held by the Representatives elected from Districts comprising each Congressional District immediately, but not later than two (2) legislative days, after the adoption of these rules, and the results shall be certified to the Speaker and the Clerk of the House. Based upon the membership of the 1954 General Assembly of Seventy-Nine (79) Democrats and Twenty-one (21) Republicans (being a ratio of approximately Four (4) Democrats for each Republican), said 25 members shall be elected in the same ratio, as nearly as possible, and so that 20 members of said Committee shall be Democrats and 5 members Republicans, excluding the ex officio members. In order to carry this rule into effect there shall be elected from the Representative Districts comprising each Congressional District the following:

Congressional District	Democrats	Republicans
First		
Second		
Third		
Fourth		
Fifth		

Congressional District	Democrats	Republicans
Sixth		
Seventh		
Eighth		

(c) Said "Committee on Committees and Control" shall, within three legislative days after its election, meet and select and appoint the duly elected members of the House of Representatives to the various committees. It shall, five (5) legislative days prior to the end of a Regular or Special Session take charge of and control all bills to be considered by the House during said last five (5) legislative days, and it will control what bills shall be considered during that time, and the order in which they shall be taken up and considered. All other standing committees shall be deemed discharged when the Committee on Committees and Control assumes such control and all bills in all respective committees shall become the property of the Committee on Committees and Control.

(d) In addition to the "Committee on Committees and Controls," the Committees hereinafter named shall be and constitute the standing Committees of the House of Representatives. Each Committee shall be composed of not less than Sixteen (16) Members, and not more than Twenty-one (21) Members, excluding the Speaker, the Majority Floor Leader and the Minority Floor Leader who shall be members ex-officio of each and every Committee; provided, however, the Speaker shall cast a vote only in case of a tie.

(e) In the appointment or selection of the members to each Committee, the "Committee on Committees and Control" shall take into consideration the qualifications, background and experience of each member of the House and shall appoint each member to such Committee and Committees as his or her qualifications, background and experience best fits. Every effort shall be made to appoint members to committees which meet on different regular dates and times. Each committee shall consist of members of the different political parties represented in the House, and, as nearly as possible, in the same proportion as elected to the House. At least two members shall be placed on

each Committee from each of the eight (8) Congressional Districts. In those cases, where because of the inability to properly carry into effect the proper ratio, or where because a particular area requires additional representation on any committee because of the special nature of the subject matter to come before the Committee as it applies particularly to that area, the "Committee on Committees and Control" is privileged to select and appoint from at large and/or from the area most affected, up to five (5) additional members. This will tend to preserve the proper ratio and give adequate representation to the areas most affected by the subject matter to be handled by the Committee.

(f) Each member of the House, excluding the Speaker, the Majority Floor Leader, and the Minority Floor Leader, shall be appointed to not less than three nor more than four Committees.

(g) Said Committees and their meeting time and places are as follows, and no Committee except any Conference Committee shall sit or meet during the Session of the House of Representatives or Committee of the Whole, without the special permission first obtained from the House of Representatives:

Committees	Meeting Time Each Week	Room No.
AGRICULTURE AND STATE FAIR	Monday, 1:00 P. M.	1
APPROPRIATIONS	Monday, 1:00 P. M.	2
BUSINESS REGULATIONS	Monday, 1:00 P. M.	3
EDUCATION	Tuesday, 9:30 A. M.	1
JUDICIARY, CODES AND PRACTICE	Tuesday, 9:30 A. M.	2
HIGHWAYS AND MOTOR TRANSPORTATION	Tuesday, 9:30 A. M.	3
LABOR	Wednesday, 9:30 A. M.	1
COUNTY, MUNICIPAL & LOCAL GOVERNMENT	Wednesday, 9:30 A. M.	2

Committees	Meeting Time Each Week	Room No.
PUBLIC UTILITIES & RAILROADS	Wednesday, 9:30 A. M.	3
NATURAL RESOURCES & CONSERVATION	Thursday, 9:30 A. M.	1
REVENUE & TAXATION	Thursday, 9:30 A. M.	2
SUFFRAGE & ELECTIONS	Thursday, 9:30 A. M.	3
MILITARY AFFAIRS, VETERANS & CIVIL DEFENSE	Friday, 9:30 A. M.	1
WELFARE, HEALTH & SOCIAL SECURITY	Friday, 9:30 A. M.	2
EXECUTIVE & LEGISLATIVE AFFAIRS	Friday, 9:30 A. M.	3

(h) Committee meetings must be held at the time and hour designated and in the Committee meeting room assigned to it, and shall be held at no other place, except upon the approval of the House first obtained. The Speaker, the Majority Floor Leader and the Minority Floor Leader shall be charged with the duty of securing suitable Committee rooms. The Clerk and Sergeant-at-Arms shall see that Committee rooms are properly designated and equipped.

(i) The Clerk shall cause the lists of all Committees, their full and complete membership, the days and respective hours of meeting, and the meeting room for each committee, to be printed daily in the Digest.

SECTION 58. MANNER OF REFERENCE OF BILLS TO COMMITTEES:

(a) The Speaker must, no later than the end of the legislative day following the introduction of a bill, refer same to a committee, which must be the committee charged with the consideration of the subject matter of said bill. It shall then be ordered printed.

SECTION 59. DUTIES AND POWERS OF COMMITTEES:

(a) Each Committee shall meet at the regular meeting time and place designated for it. Immediately upon adoption of these Rules each Committee shall meet and a Chairman, Vice-Chairman and Secretary shall be elected by a majority of the committee members present. The Vice-Chairman shall act in the absence of the Chairman. In the event of absence of both the Chairman and Vice-Chairman at any meeting, the members present shall select a temporary Chairman who shall serve for that meeting. The Secretary shall keep minutes and records of the meetings and shall cause same to be reduced to writing, and same shall be subject to inspection by any member of the House. The "Committee on Committees and Control" shall assign to each committee a designated person, who shall be competent and qualified to take shorthand, transcribe same on the typewriter, and perform such other stenographic and clerical duties as may be required by the Chairman, the Secretary or the Committee itself. The person so appointed may serve for more than one Committee. He or she shall keep a regular agenda of all bills and business to come before each Committee he or she is designated to serve. He or she shall receive a salary to be fixed by the House, and to be paid by the Clerk of the House out of the funds in his hands.

(b) It is the intention of the House that as few as possible special meetings of the various committees be held, but where it is deemed necessary for the interest and welfare of pending legislation that a special committee meeting be called, notice thereof and of the bill or bills to be considered must be given at least two full legislative days prior to the special meeting and said notice shall be announced by the Chairman at motion hour and a written memorandum thereof shall be delivered by the Chairman to the Clerk of the House, who shall cause same to be printed and carried in the Legislative Digest, up to and including the day of the special meeting. A special meeting may be called by either the Chairman, a majority of the members of each committee, or at the joint request of the Speaker, Majority and Minority Leaders.

(c) Each committee so long as it has bills referred to it, must hold regular weekly meetings at the time set opposite each committee, and in the meeting room assigned to it. All meetings shall be open to the public; except that the Committee may go into private session when it considers a vote on any bill, should a majority present so desire.

(d) When a bill or resolution is referred to a Committee, that Committee must proceed to consider it at its next regular meeting, or at a special meeting, if one be called. The Chairman shall submit the bill or resolution to the consideration of his Committee, and upon his failure to do so, same may be called up by any member of the Committee or by its sponsor. A majority of the Committee shall be present before a bill may be considered (in determining this majority, the Speaker, Majority Leader and Minority Floor Leader shall not be counted). A committee in reporting a bill to the House shall make its report in writing, and such a report need only be signed by the Chairman and attested to by the Clerk of the Committee which shall only be evidence of the action taken by the Committee, and which does not necessarily reflect or indicate the vote of said Chairman or Clerk in said Committee Meeting. No bill shall be considered or acted upon by a Committee, except by action in a Committee Room.

(e) Bills may only be reported "Favorably" or "Unfavorably" by any Committee. No other form of report is allowed.

(f) The Clerk of the House shall keep a record showing to what committee each bill or resolution has been referred and the date of such reference, together with the date of its return to the House. The records shall also show the date the committee first received the bill and when the same was finally reported by the committee to the House.

The report or recommendation of the committee which considered the bill, together with a minority report, if one be made, shall also be entered upon said record under one of the following expressions:

"Favorably Reported"

"Favorably Reported, Accompanied by a Minority Report"

"Unfavorably Reported"

"Unfavorably Reported, Accompanied by a Minority Report."

Upon the call of standing committees by the Clerk, the Chairman or ranking member thereof shall disclose the disposition of the matter or matters submitted to their respective committees in the following manner:

"Mr. Speaker, the Committee on _____ (naming the committee), to which was submitted _____ (Senate or House bill or resolution, naming the same and giving the number thereof), reports as follows:

"Unfavorably Reported" or

"Favorably Reported"

"Favorably Reported, Accompanied by a Minority Report" or

"Unfavorably Reported, Accompanied by a Minority Report."

A minority report must be signed by those members who have dissented from the committee's report and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. However, it shall require a majority of the members present to adopt same; but it shall always be required that the committee's report be read before the minority report is read.

(g) Each Committee shall, pursuant to Section 39 of the Constitution of the Commonwealth of Kentucky, have the power and authority to compel the attendance of persons as witnesses before it, or to compel the production of any and all papers proper to be used in evidence at a hearing, or to compel testimony concerning any matter which may be, and is, a proper subject of inquiry by the General Assembly or such Committee. A subpoena shall be signed by the Chairman, and attested by the Clerk, and shall be delivered to any Sheriff, Constable, Peace Officer, or to the Sergeant-at-Arms of the House for service. The Clerk shall pay the costs of serving same out of the funds in his hands. Upon the failure of any person to comply with an order

of any Committee, such fact shall be reported to the House, and such person shall be proceeded against and punished for contempt.

SECTION 60. PROCEDURE ON BILLS REPORTED OR HELD:

(a) Upon the favorable report of a bill or resolution by a Committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the journal.

(b) Upon the unfavorable report of a bill or resolution, said bill or resolution shall not be entitled to a reading unless it is ordered by a majority vote of the members elected.

(c) A bill or resolution remaining in the hands of a Committee for longer than two regular meeting periods of that Committee after same has been referred to it, unless the time be extended by a two-thirds (2/3) vote of the House membership present, may be called up by any member and read into the calendar by a majority vote of the members present; except that same shall not apply if said period extends into the last five (5) Legislative days of the Session.

(d) When a bill or resolution unfavorably reported or not reported within proper time is called up for the purpose of being read into the calendar, no debate shall be allowed, except that the sponsor, or any one indicated by him, shall have Fifteen (15) Minutes in which to explain same, and the opposition shall have a like time to oppose it. Each side may divide their time as they deem fit.

(e) Bills or resolutions unfavorably reported or not reported within proper time by a Committee may only be considered for the purpose of being read into the calendar at the time the report is made, or at motion hour. If a bill or resolution be ordered read, it shall then be read at length for the first time, and placed in the calendar until the next succeeding day, when it shall be given its second reading.

SECTION 61. ORDER OF VOTING ON BILLS:

(a) Bills and resolutions, not re-committed, shall be voted upon in the precise order in which they are given their first

reading and placed into the calendar, unless the sponsor of the bill or resolution waives the position of same, in which event it will be placed at the end of the list of bills or resolutions then up for passage; or, if requested, make a special order of business by a majority vote of the members present.

(b) No bill, or committee substitute, shall be voted upon unless and until same has been printed and placed in the hands of the members of the House for at least seven (7) full legislative days prior to the calling of same for passage, except during the last Ten (10) days of a session when this time shall be reduced to one day.

(c) Bills shall be printed and distributed in the order in which introduced. The Clerk of the House is hereby charged with the enforcement of this rule.

SECTION 62. CALENDAR:

When a bill or resolution has had its first reading, it shall be placed by the Clerk on a calendar to be kept by him, and said calendar shall be separate from the bills or resolutions in the Orders of the Day.

SECTION 63. ORDERS OF THE DAY:

(a) When a bill or resolution has been read a second time, it shall be placed in the Orders of the Day or re-committed, and when next reached in the House, it shall be ready for amendment, re-committment, or debate, or to be read a third time, and placed upon its passage. A bill or resolution may be recommitted at any time before final passage.

(b) No House bill shall be placed upon its final passage during the last two days of the Session, except bills in possession of Conference Committees, Senate Bills, or House Bills which have been amended by the Senate.

SECTION 64. REPORT ON ENROLLED BILLS:

The Committee on Legislative Procedure and Administration shall designate one of its members to report on enrolled bills, and such member and the Clerk of the Senate may report at any time, except during debate and Roll Call. The designation of

such member shall be reported to the House and spread on the Journal. An alternate member shall be designated at the same time, and he shall act only in case of absence of the regularly designated member.

SECTION 65. PREVIOUS QUESTION.

Having in mind that mature consideration and debate is the essence of democracy, and that the House of Representatives represents the free people of Kentucky, the "previous question" shall not be ordered by the Speaker of the House, until the Speaker is of the opinion that adequate time and opportunity has been afforded the elected members to express their views and opinions and offer amendments.

When such time and opportunity has elapsed, the "previous question" can then be made and ordered, and when so made and ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as may have been offered up to that time.

The effect of the "previous question" shall be to put to an end all debate; to prevent the offering of additional amendments, and to bring the House to an immediate vote upon the measure and amendments aforesaid.

The "previous question" shall be ordered by a majority of the House membership present. On the roll call, no member shall be allowed to explain his vote; however, after the "previous question" has been carried, and before the vote on the main question, the opponents of the measure shall have 30 minutes and the proponents of the measure shall have 30 minutes, unless the House, by a majority vote of those present, extends the time.

Mr. Dressman seconded the motion to adopt the amendment offered by Mr. Weintraub.

Mr. Brown moved that the House dispense with the reading of amendment No. 1.

Said motion was seconded by Mr. Lowman.

Said motion was agreed upon.

Mr. Morgan moved to limit debate of the motion to amend the rules by amendment No. 1 to expire at 2:35 P. M.

Said motion was agreed to.

Mr. Dressman moved to allow Mr. Weintraub be allowed five minutes extra in which to conclude his remarks in support of the amendment offered by him.

Said motion was seconded by Mr. Clay.

Said motion was disagreed to.

Roll call having been demanded by Mr. Weintraub and Mr. Lowman thereupon the roll call was as follows on amendment No. 1.

Those who voted in the affirmative were—

Cassius M. Clay	Harold G. Helm	William C. Mann
Vernor O. Cottengim	Henry R. Heyburn	William J. Marcum
John L. Day	Lon C. Hill	James Treadway
James A. Dressman, Jr.	James W. Lambert	Morris Weintraub
	Caleb McFadden	Dr. Clyde D. Wooton

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Those who voted in the negative were—

Rev. Felix S. Anderson	W. Marvin Davis	William L. Jones
Walter J. Bailey	C. E. Dowell	Jennings H. Kearby
John Rhea Banton	O. O. Duncan	Talmage Lacy
Clarence J. Barnum	Harold Edmonds	George H. Lovelace
Charles E. Baumgardner, Sr.	Addison L. Everett	Harry King Lowman
Owen Billington	Herbert Fern	Shelby McCallum
Leo A. Bleemel	Thomas P. Fitzpatrick	Ralph E. McClanahan
J. Murray Blue	Cabell D. Francis	William E. Maglinger
Edward T. Breathitt, Jr.	W. L. Hadden	Damon Majors
Edward O. Bridgers	C. Ruby Harralson	George R. Martin
John Young Brown	George F. Harris	Carl D. Melton
Harry M. Caudill	David Heskamp	Tom Mobley
William J. Conley	Estill R. Hilton	Robert K. Montgomery
R. Josh Cosby	Chester J. Holsclaw	Fred Morgan
	Varna Holt	
	William M. Horn	

Eddie J. Morris	Russell Reynolds	Will Tom Wathen
Thomas J. Murphy	Lloyd E. Rogers	W. W. Webster
Goebel W. Newsom, Jr.	Joe Rouse	Hicks Wells
	William A. Routh	William B. Wells
Foster Ockerman	Cecil C. Sanders	Warren D. Williams
Louis T. Peniston	W. R. Smith	Mrs. Randolph Wilson
Edward D. Pollitte	Mrs. Thelma L. Stovall	
Roger E. Qualls		T. D. Winstead
Paul T. Ratcliffe	C. Waitman Taylor	Walker H. Wiseman
Jack Raybourne, Jr.	Eulick Walsh	Paul E. Young
Hobart Rayburn		—72

This amendment was rejected.

Mr. Heyburn moved that the proposed rules offered by Mr. Lowman be amended as follows, in amendment No. 2:

Amendment to proposed Rules:

That the first paragraph of Sec. 5 be amended to read as follows:

"No person shall be permitted upon the floor of the House when in session except the Governor, who may be present upon the invitation of a majority of the membership thereof; his secretary, the present members of the Senate and the Clerks thereof, and any members of the family of the Governor and of the presiding officer of the House, or of any Representative, or of the Governor's private secretary and all officers and employees of the House, and judges and Commissioners of the Court of Appeals; bona fide newspaper correspondents designated in writing by the daily newspapers or press service they represent, shall be admitted to the privileges of the floor, when recommended by the Committee on Committees. Such newspaper correspondents when admitted to the privileges of the floor, shall be governed by the rules of the House. Provided that any one person may be extended the privilege of the floor upon invitation previously extended such person by a majority vote of the members of the House, but such privilege shall be extended for a specified day and no other."

Henry R. Heyburn, 34th Dist.

Mr. Dressman moved that the amendment offered by Mr. Heyburn be tabled.

Said motion was seconded by Weintraub.

Said motion was disagreed to.

Mr. Weintraub moved to refer for further consideration the rules and amendment No. 2 to a committee which motion follows:

That the Rules and Amendments offered be referred to a Committee on Rules consisting of 16 of the elected members of the House, plus the Speaker, created for the purpose of considering a fair and proper set of Rules under which the House shall operate during the 1954 Session, and said Committee on Rules shall meet within two (2) legislative days from the date of the adoption hereof, and shall report no later than ten (10) days after such date. Said members shall be elected two from the Representative districts comprising each Congressional District at separate meetings, and the result of each such meeting shall be certified to the Clerk of the House. Said election shall be held forthwith.

The Chair rules Mr. Weintraub's motion out of order for the reason that said motion was not a privileged motion since another motion was then pending before the House.

Mr. Heyburn moved that amendment No. 2 be adopted.

Said motion was disagreed to.

Thereupon the Chair reversed its ruling on the motion by Mr. Weintraub to refer for further consideration the rules to a committee and permitted said motion to be voted upon by the House.

Said motion was disagreed to.

Mr. Lowman moved the previous question on the adoption of the rules.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The ayes and nays not being requested, said rules were adopted by a voice vote.

Mr. Lowman introduced the following resolutions:

H. Res. B. A HOUSE RESOLUTION empowering the Committee on Committees to employ assistants for the House.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Committee on Committees be empowered to employ such assistants in and about the House Chamber during this session of the General Assembly as to them appears necessary and as they deem advisable under the provisions of KRS 6.230.

Mr. Lowman moved the adoption of said last named resolution.

Said motion was agreed to.

Said Resolution was adopted.

H. Res. C. A HOUSE RESOLUTION relating to extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Said resolution is as follows, viz:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Mr. Lowman moved the adoption of said last named resolution.

Said motion was agreed to.

Said Resolution was adopted.

INTRODUCTIONS OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. Res. 1. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Record" and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Dunne Press, Incorporated is authorized and directed to furnish 200 copies of "The Legislative Record," each day the House or Senate is in session, for delivery and distribution as provided in Section 2 of this resolution, for which said company shall be paid the sum of $2,800 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter 106 of the Acts of 1952. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

Section 2. The distribution of "The Legislative Record" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

Section 3. Whereas, in order that the functions of the General Assembly may be expedited, it is essential that "The Legislative Record" be available to the members during the present session, an emergency is declared to exist and this resolution shall take effect upon its passage and approval by the Governor.

By Mr. Lowman.

H. Res. No. 2. A JOINT RESOLUTION appropriating the sum of two thousand dollars for a contingent fund for the Clerk

of the Senate, and appropriating the sum of two thousand dollars for a contingent fund for the Clerk of the House and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purposes of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter 106 of the Acts of 1952 for legislative sessions, as a contingent fund, the sum of two thousand dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 106 of the Acts of 1952 for legislative sessions, as a contingent fund, the sum of two thousand dollars. Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

Whereas, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this resolution shall become effective upon its passage and approval by the Governor.

By Mr. Lowman.

H. Res. No. 3. A JOINT RESOLUTION appropriating additional compensation for officers and employes of the House and Senate and declaring an emergency.

Said Resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and House of Representatives:

Assistant Clerk

Enrolling Clerk

Sergeant-at-arms

Doorkeeper

Cloakroom Keepers (2)

Janitor

Pages (4)

to that compensation as provided for in KRS 6.230, the sum of four hundred dollars per diem, for each body, for the duration of the 1954 Regular Session;

That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees, according to the per diem set forth in KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on the basis;

That the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for the above-named amounts, and that the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are further directed to distribute the additional compensation to the above-mentioned officers and employees as provided in KRS 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1954 Regular Session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall become effective upon its passage and approval by the Governor.

By Mr. Stumbo and Mr. Hill.

H. B. No. 1. AN ACT repealing KRS 205.260, 205.270, 205.280 and 205.290, relating to real property liens and claims

against the estates of needy aged or needy blind persons being paid public assistance.

Said Bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

THAT, Kentucky Revised Statutes 205.260, 205.270, 205.280 and 205.290, are repealed.

By Mr. Mobley.

H. B. No. 2. AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to the qualifications of persons for voting.

Said Bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 145 of the Constitution of Kentucky be amended so as to read as follows:

Every citizen of the United States of the age of eighteen years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by Executive pardon.

Second: Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at

the time and in the manner provided for under sections 256 and 257 of the Constitution and under sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. McCallum.

H. B. No. 3. AN ACT changing the classification of the City of Calvert City in Marshall County.

Said Bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Calvert City, in Marshall County, is such as to justify its being assigned to the fifth class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Calvert City, in Marshall County, is hereby transferred from the sixth to the fifth class of cities.

Mr. Jones moved that when we do adjourn today that we adjourn out of respect to the Honorable Garrett Withers, former United States Senator and Representative and having served in this Body at its last regular session.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn until ten o'clock, A. M. January 6.

Said motion was agreed to.

Then the House adjourned.

WEDNESDAY, JANUARY 6, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Fred Moffett, pastor of the First Baptist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Barnum moved that the reading of the Journal of the

proceedings of Tuesday, January 5, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Horn moved that the ladies from the Frankfort Bookmobile Organization be granted the privileges of the floor in order to distribute reports.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had adopted a resolution pertaining to adjournment, which had originated in that body, of the following title, viz:

S. Res. No. 5. A concurrent resolution proposing adjournment from January 6 to January 11.

Mr. Lowman moved adoption of said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

INTRODUCTIONS OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Clay.

H. Res. No. 4. A JOINT RESOLUTION memorializing Congress to enact legislation for the withdrawal of the Federal Government from the field of gasoline taxation and urging the members of Congress from Kentucky to work and vote for such legislation.

Said resolution is as follows, viz:

WHEREAS, in common with other states of the Union, the Commonwealth of Kentucky finds it necessary to devote constantly increasing sums of money to the development, construction and maintenance of a State Highway system; and

WHEREAS, in the course of the year 1953 the legislative

bodies of nearly one-half of the states of the Union have, in one form or another, memorialized the Congress of the United States to withdraw the federal government from the field of gasoline taxation, so that this source of income may be left exclusively to the states, to enable them to raise additional revenue for the development, construction and maintenance of their highways,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Congress of the United States is hereby memorialized to direct its attention to the withdrawal of the Federal government, at the earliest practicable moment, from the field of gasoline taxation; and

Be it further resolved by the General Assembly of the Commonwealth of Kentucky:

The members of the U. S. Congress from Kentucky, including our two Senators and all of the members of the House of Representatives, are hereby urged to work and vote for the enactment of legislation by the U. S. Congress which will effectively withdraw the federal government from the field of gasoline taxation at the earliest practicable moment.

By Mr. Clay.

H. B. No. 4. AN ACT relating to the excise tax on manufacturing and importation of distilled spirits and amending Section 243.680 and 243.690 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

WHEREAS, the existing federal excise tax of ten dollars and fifty cents per gallon on distilled spirits will be reduced to nine dollars per gallon on April 1, 1954; and

WHEREAS, said tax, together with the tax in the amount of one dollar and twenty eight cents per gallon imposed by the Commonwealth of Kentucky on distilled spirits, are taxes which are passed on to the consumer by the manufacturer and importer of distilled spirits; and

WHEREAS, Subsection (1) and part (a) of subsection (2) of KRS 243.680 and subsection (1) of KRS 243.690 impose upon the manufacturers and importers of distilled spirits a tax of only five cents per gallon; and

WHEREAS more funds are urgently needed by the Commonwealth of Kentucky to provide additional aid for local school districts in order to maintain adequate public schools;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall manufacture distilled spirits in this state unless he first obtains from the department a permit to engage in the business of manufacturing distilled spirits. At the time of the issuance of the permit he shall pay to the state a tax of twenty-five cents for each proof gallon of distilled spirits for which the permit is issued. Any sum which may be produced by this tax shall be appropriated to the common school fund and to no other purpose.

(2) (a) No person shall ship or transport or cause to be shipped or transported into the state any distilled spirits from points without the state without first obtaining a permit from the department and paying a tax of twenty-five cents on each proof gallon. Any sum which may be produced by this tax shall be appropriated to the common school fund and to no other purpose.

(b) No railroad company or express company shall receive for shipment or ship into this state any package or receptacle containing distilled spirits unless a copy of the permit, showing that payment of required taxes has been made, accompanies the shipment.

(c) The permit shall be in a form prescribed by the department, and all shipments into the state shall be governed by regulations promulgated by the department.

(d) A railroad or express company need not obtain a permit to transport distilled spirits, but shall be subject to all regulations of the department.

Section 2. Section 243.690 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No person shall engage in the business of blending, rectifying or mixing distilled spirits without obtaining from the department a permit to blend, rectify or mix distilled spirits. An excise tax of twenty-five cents is imposed for each proof gallon of distilled spirits that has not borne the tax imposed by KRS 243.680 and which is used in said blending, rectifying or mixing. Any sum which may be produced by this tax shall be appropriated to the common school fund, and to no other purpose.

(2) A person engaging in the business of blending, rectifying or mixing distilled spirits shall report on or before the tenth day of the succeeding month, in such form and stating such facts as may be prescribed by the department, the amount of distilled spirits blended, rectified or mixed during the preceding month. At the time of making the report, he shall pay the tax due under this section.

By Mr. Morgan and Mr. Harris.

H. B. No. 5. AN ACT authorizing persons who have attained the age of fourteen years to be given a special license to operate motor vehicles and to require manufacturers of motor scooters and bicycles to stencil place of manufacture and horsepower on their vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.440 of the Kentucky Revised Statutes is amended to read as follows:

An operator's license shall not be granted to:

(1) Any person under the age of sixteen, except as provided in Sections 2 and 3 of this Act.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any non-resident whose privilege of exemption under

KRS 186.430 has been refused or discontinued, until the expiration of one year after the license was revoked or the privilege refused or discontinued.

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded with a certificate of the superintendent that the applicant is competent. The Highway Patrol shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who in the opinion of the Highway Patrol, after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application signed in the presence of a person authorized to administer oaths.

Section 2. Any person between the ages of fourteen and sixteen may be granted a special operator's license by the circuit clerk to operate farm vehicles between the farm and the market for commodities grown on such farm. Such licenses shall be temporary and shall expire not more than thirty days after the issuance thereof. Such licenses shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crop grown.

Section 3. Any person between ages of fourteen and sixteen may be granted a special operator's license by the circuit clerk for the operation of a motor scooter or motorized bicycle

not to exceed five hosepower. The holder of the special license prescribed herein shall not operate a motor scooter or motorized bicycle between the hours of 12:00 midnight and 4:30 A.M.

Section 4. No license shall be issued under Section 2 or 3 of this Act unless satisfactory evidence is furnished to the circuit clerk that the person to be licensed is physically and mentally developed to such a degree that the operation of a motor vehicle by him would not be a hazard to public safety.

Section 5. All motor scooters and motorized bicycles sold in this state must be clearly stenciled or stamped by the manufacturer with the place of maufacture and horsepower of the vehicle.

By Mr. Weintraub.

H. B. No. 6. AN ACT relating to revenue and taxation with particular reference to building and loan associations and amending Sections 132.200 and 136.300 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Livestock and domestic fowls.

(3) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plants for the

purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(4) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loan or loans thereon granted by the United States Governments or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(5) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

Section 2. Section 136.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) By July 1 succeeding the filing of the report provided for in KRS 136.290, each domestic building and loan association shall pay directly into the State Treasury a tax of one dollar for each one thousand dollars paid in on its capital stock as fixed in KRS 136.290. The individual shareholders shall not be required to list their shares for taxation for any purpose. The association shall not be required to pay local taxes, except city taxes, upon its capital stock, surplus undivided profits, notes, mortgages or other credits, and the tax provided by this section shall be in lieu of all taxes for state purposes on property of the association. Failure to make reports and pay taxes as provided in this section and in KRS 136.290 shall subject the association to the same penalties imposed for such failure on the part of the other corporations.

(2) If a domestic building and loan association so elects, it may deduct the taxes imposed in subsection (1) of this section, except city taxes, from the dividends paid or credited to a non-borrowing shareholder.

By Mr. Brown.

H. B. No. 7. AN ACT relating to Revenue and Taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This act shall be known and referred to as the Kentucky Retail Sales and Use Tax Act.

Section 2. For the purpose of this act, the following words and phrases have the meanings respectively ascribed to them in this Section except in those instances where the context clearly indicates a different meaning:

(1) "Department" means the Department of Revenue.

(2) "Persons" means any individual, firm co-partnership, joint venture, association, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, assignee or other corporation or combination acting as a unit, and the plural as well as the singular number.

(3) "Sale" means any transfer of title or possession or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever of tangible personal property for a consideration and includes the fabrication of tangible personal property for consumers who furnish either directly or indirectly the materials used in the fabrication work and the furnishing, repairing or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, repairing or serving such tangible personal property. A transaction whereby the possession of the property is transferred, but the seller retains title as security, shall be deemed a sale by this Act.

(4) "Retail Sale" means a sale to a consumer or to any person for any purpose other than the resale in the form of

tangible personal property and shall mean and include any and all such transactions as the Department upon investigation finds to be in lieu of sales, provided the sales for resale must be made in strict compliance with rules and regulations. Any dealer making a sale for resale in violation of the rules and regulations, shall himself be liable for and pay the tax.

(5) "Storage" means and includes any keeping or retention in this State, or for any purpose other than sale at retail in the regular course of business.

(6) "Use" means and includes the exercise of any right or power over any tangible personal property incident to the ownership thereof, except that it shall not include the sale at retail of that property in the regular course of business.

(7) "Sales Price" means the total amount for which tangible personal property is sold, including any services that are a part of a sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deductions therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest charged, losses, or any other expense whatsoever; provided that cash discounts allowed and taken on sales shall not be included, nor shall the sale price include the amount charged for labor or services rendered in installing, applying, remodeling or repairing property sold.

(8) "Gross Sales" means the sum total of all retail sales of tangible personal property as defined herein without any deductions whatsoever of any kind or character except as provided by this Act.

(9) "Cost Price" means the actual cost of articles of tangible personal property without any deductions therefrom consisting of materials used, labor or service costs, transportation charges or any expenses whatsoever.

(10) "Lease or Rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of title of such tangible personal property.

(11) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit, or advantage, either direct or indirect. The term "business" shall not be construed in this Act to include occasional and isolated sales or transactions by a person who does not hold himself out as engaged in business.

(12) "Retailer" means and includes every person engaged in the business of handling tangible personal property, whether it be for making sales at retail, or for distribution, or use, or consumption, or storage of tangible personal property to be used or consumed in this State.

(13) "Tangible Personal Property" means and includes personal property, which may be seen, weighed, measured, felt or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities.

(14) The term "Use Tax" referred to in this Act includes the "use", the consumption, the distribution, and the "storage" as herein defined.

(15) "Dealer" means every person as used in this Act who sells at retail or offers for sale at retail, or leases or rents without transferring or acquiring title thereto, tangible personal property as defined herein; or who manufactures, or produces, or imports, or causes to be imported, or has in his possession, for sale at retail, or for use, or consumption, or distribution, or storage to be used or consumed in this State, tangible personal property as defined herein.

Section 3. (A) There is hereby levied a tax upon the sale, the retail, the use, the consumption, the distribution and the storage for use or consumption in this State, of each item or article of tangible personal property as defined herein. The levy of said tax to be as follows:

(1) At the rate of three per cent (3%) of the sales price of each item or article of tangible personal property when sold at retail in this State; the tax to be computed on gross sales for the purpose of remitting the amount of tax due the State and to include each and every retail sale.

(2) At the rate of three per cent (3%) of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed or stored for use or consumption in this State, provided there shall be no duplication of the tax.

(B) There is hereby levied a tax upon the lease or rental within this State of each item or article of tangible personal property as defined herein. The levy of said tax to be as follows:

(1) At the rate of three per cent (3%) of the gross proceeds derived from the lease or rental of tangible personal property as defined herein, where the lease or rental of such property is an established business or part of an established business.

(2) At the rate of three per cent (3%) of the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee to the owner of the tangible personal property.

(C) The tax levied in this Act shall be collected from the dealer as defined herein; and shall be paid at the time and in the manner hereinafter provided.

Section 4. (A). The aforesaid tax at the rate of three per cent (3%) of the retail sales price, as of the moment of sale, or three per cent (3%) of the cost price, as of the moment of purchase, as the case may be, shall be collectible from all persons as defined herein engaged as dealers, as hereinafter defined, in the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State, of tangible personal property.

(B) On all tangible personal property imported or caused to be imported from other states or foreign country and used by him, the dealer, as herein defined, shall pay the tax imposed by this Act on all articles of tangible personal property so imported and used, the same as if said articles had been sold at retail for use or consumption in this State. For the purpose of this Act, the use or consumption, or distribution, or storage to be used or consumed in this State of tangible personal property shall each be equivalent to a sale at retail, and the tax shall

thereupon be levied and collected in the manner provided herein, provided there shall be no duplication of the tax in any event.

Section 5. The tax so levied is and shall be in addition to all other taxes whether levied in the form of excise, license or privilege taxes and shall be in addition to all other fees and taxes levied, provided, however, that the sale of food and food products to be used in the home is exempt from the tax herein levied.

Section 6. (A) The tax herein levied shall be collected by the dealer from the purchaser or consumer at the time of making sales in this State.

(B) Dealers shall, as far as practicable, add the amount of the tax imposed under this Act, in conformity with the schedule or schedules to be prescribed by the Department of Revenue pursuant to the authority conferred herein, to the sale price or charge which shall be a debt from the purchaser or consumer to the dealer until paid, and shall be recoverable at law in the same manner as other debts. Any dealer who shall neglect, fail or refuse to collect the tax provided herein shall be liable for and pay the tax.

(C) Where the tax collected for any period is in excess of three per cent (3%), the total tax collected over and above the three per cent (3%) must be paid over to the Department of Revenue less the compensation to be allowed the dealer as hereinafter set forth. This provision shall be construed with other provisions of this Act and given effect so as to result in the payment to the Department of Revenue of the total tax collected including that in excess of three per cent (3%).

(D) Any dealer who shall fail, neglect or refuse to collect the tax as provided in this Act, either by himself or through his agents or employees, shall, in addition to the penalty of being liable for and paying the tax himself, be guilty of a misdemeanor and upon conviction shall be punished by fine of not less than Twenty-Five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or imprisoned for not more than three (3) months, or both, in the discretion of the court.

(E) A dealer shall not advertise or inform the public in

any manner directly or indirectly that he will absorb all or part of the tax or that he will relieve the purchaser from the payment of all or any part of the tax levied herein. A person who violates this provision shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or imprisonment for a period not exceeding three (3) months, or both, in the discretion of the court.

Section 7. Where used articles are taken in trade, or a series of trades as a credit or part payment on the sale of new and used articles, the tax levied by this Act shall be paid on the net difference of the new or used article less the credit for the used article.

Section 8. In event purchases are returned to the dealer by the purchaser or consumer after the tax imposed by this Act has been collected or charged to the account of the consumer or user, the dealer shall be entitled to credit or to reimbursement of the amount of tax so collected or charged by him in the manner prescribed by the Department of Revenue and in case the tax has not been remitted by the dealer to the Department of Revenue, the dealer may deduct the amount in submitting his return upon receipt of a signed statement of the dealer as to the gross amount of such refunds during the period covered by the said signed statement, which period shall not be longer than one hundred and eighty (180) days.

Section 9. If any dealer liable for any tax, interest or penalty levied hereunder shall sell out his business or stock of goods, or shall quit the business, he shall make a final return and payment within fifteen (15) days after the date of the selling or quitting the business. His successor, successors, or assigns, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes, interest and penalties due and unpaid until such former owner shall produce a receipt from the Department of Revenue showing that they have been paid, or a certificate stating that no taxes, interest or penalties are due. If the purchasers of a business or stock of goods shall fail to withhold the purchase money as above provided, he shall be personally liable for the payment of the taxes, interest, and

penalties accruing and unpaid on account of the operation of the business by any former owner, owners, or assigns.

Section 10. (A) Every person desiring to engage in or conduct business as a dealer in this State shall file with the Department of Revenue an application for a certificate of registration for each place of business. Each application for certificate of registration shall be made upon a form prescribed by the Department of Revenue and contain such information as the Department of Revenue deems necessary for the purpose of the enforcement of the Act.

(B) At the time of making an application, the applicant shall pay the Department of Revenue a fee of One Dollar ($1.00) for each certificate of registration.

(C) When the required application has been approved, the Department of Revenue shall grant and issue to each applicant a separate certificate of registration for each place of business within the State. A certificate of registration is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

Section 11. Import Permits.

(A) In order to prevent the illegal importation of tangible personal property which is subject to tax in this State and to strengthen and make more effective the procedure and method of enforcing payment of the tax imposed by this Act, the Department of Revenue is hereby authorized and empowered to put into operation a system of permits whereby any person or dealer as defined in this Act may import tangible personal property by truck, automobile or other means of transportation other than a common carrier. Such system of permits shall require a person or dealer who desires to import tangible personal property into the State which property is subject to tax imposed by this Act to apply to the Department of Revenue for a permit stating the kind of vehicle to be used, the name of the driver, the license number of the vehicle, the type of tangible personal property to be imported and such other information as the De-

partment of Revenue may deem necessary to prevent the illegal transportation of taxable tangible personal property into the State. Such permits shall be free of cost and may be obtained from the Department of Revenue and shall expire on the last day of each calendar year. Permits may be renewed by application.

(B) Import permits granted under this Section shall be suspended or revoked in the same manner as is prescribed in Section 12 of this Act.

Section 12. The Department of Revenue shall have the power to cite holders of registration certificates for violations of this Act to appear before the Kentucky Tax Commission to show cause why their registration certificate should not be revoked. Upon cause the Kentucky Tax Commission may suspend or revoke the registration certificate of any dealer. At the end of the suspension or revocation period, as determined by the Commission, a dealer whose certificate of registration has been previously suspended or revoked shall pay the Department of Revenue a fee of One Dollar ($1.00) and file a new application for the renewal or issuance of a certificate of registration. The dealer so cited shall be given ten (10) days notice in writing specifying the time and place of hearing. The notice may be served personally or by registered mail directed to the last known address of the person. Any person who engages in business as a dealer in this State without a certificate of registration after a certificate of registration has been suspended or revoked and each officer of any corporation which so engages in business shall be guilty of a misdemeanor and punishable as provided by law.

Section 13. Records.

(A) For the purpose of the enforcement of the collection of the tax levied by this Act, the Department of Revenue or its agents are hereby authorized and empowered to examine the books, records, and other documents of all transportation companies, agencies or firms in order to determine what dealers as provided in this Act are importing or consuming the articles of tangible personal property which are liable for said tax.

(B) Each dealer as defined in this Act shall secure, maintain and keep for a period of at least two (2) years a complete record of tangible personal property received, used, sold at retail, distributed or stored, leased or rented within this State by said dealer together with invoices, bills of lading and other pertinent records and papers as may be required by the Department of Revenue for the reasonable administration of this Act and all such records shall be open for inspection to the Department of Revenue. Any dealer subject to the conditions of this Act who shall violate this provision shall be guilty of a misdemeanor and shall be punished by a fine of not more than Two Hundred Dollars ($200.00) or imprisonment for not more than three (3) months, or both, in discretion of the court.

Section 14. (A) The taxes imposed by this Act are due and payable to the Department of Revenue quarterly on or before the 30th day next succeeding each quarterly period. The words "quarterly period" shall mean a period of three calendar months commencing on the first day of January, April, July or October of each year or in case any seller shall commence business on a day other than the first day of January, April, July or October, a period beginning on the date of commencement of business and ending on December 31, March 31, June 30 or September 30. The first quarterly period to be in force and effect under this chapter shall be that which commences on the first day of October, 1950.

(B) If any dealer subject to make and file a return required by any provision of this Act fails to render such return within the time required or renders a return which is false or fraudulent in that it contains statements which differ from the true gross sales, purchases, leases or rentals taxable under this Act or otherwise fails to comply with the provisions of this Act for the taxable period for which said return is made, the Department of Revenue shall give such dealer ten (10) days notice in writing requiring such dealer to appear before the Department of Revenue or its agents with such books, records, and papers as the Department may require relating to the business of such dealer for such taxable period; and said Department of Revenue may require such dealer or the agents and

employees of such dealer to give testimony or to answer interrogatories under oath administered by the Department of Revenue or its agents respecting the sale at retail, the use, consumption, or distribution, or storage for use or consumption in this State, or lease or rental of tangible personal property subject to tax or the failure to make report thereof as provided in this Act.

(C) If any dealer fails to make any such return or refuses to permit an examination of his, the dealer's books, records or papers, or to appear and answer questions within the scope of such investigation relating to the sale, use, consumption, distribution, storage, lease, or rental of tangible personal property, the Department of Revenue is hereby authorized to make an assessment based upon such information as may be available to them.

(D) In the case of the lease or rental of tangible personal property, if the consideration given or reported by the dealer does not, in the judgment of the Department of Revenue, represent the true or actual consideration, then the Department of Revenue is authorized to fix the same and collect the tax thereon in the same manner as above provided, with interest plus penalties, if such have accrued. Any such assessment shall be deemed prima facia correct.

(E) At the time of transmitting the return required hereunder to the Department of Revenue the dealer shall remit to the Department therewith the amount of tax due under the applicable provisions of this Act and failure to so remit such tax shall cause said tax to become delinquent.

(F) Any dealer subject to the provisions of this Act failing or refusing to furnish any return herein required to be made or failing or refusing to furnish a supplemental return of other data required by the Department of Revenue, or who shall violate any other provisions of this Act, punishment for which is not otherwise herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than Twenty Five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or imprisoned for a period of not less than thirty (30) days or more than ninety (90) days, or both fine and imprisonment, at the discretion

of the court. For second or subsequent offenses of any provisions of this Act, the penalty shall be double.

(G) Any dealer required to make, render, sign, or verify any return as aforesaid who makes a false or fraudulent return with intent to evade the tax hereby levied shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) or be imprisoned not less than thirty days (30) nor more than ninety (90) days, or shall be punished by both fine and imprisonment, in the discretion of the court.

Section 15. (A) When any dealer shall fail to make any return and pay the full amount of the tax required by this Act, there shall be imposed, in addition to other penalties provided herein, a specific penalty to be added to the tax in the amount of five percent (5%) of the tax due if the report and remittance is not more than one (1) calendar month late, with an additional five per cent (5%) for each additional calendar month or fraction thereof during which the failure continues, not to exceed twenty five per cent (25%) in the aggregate. In the case of a false or fraudulent return where willfull intent exists to defraud the State of any tax due under this Act, a specific penalty of fifty per cent (50%) of the tax due shall be assessed.

(B) When any dealer fails to remit the tax or any portion thereof on or before the day when such tax shall be required by law to be paid, there shall be added to the amount due, interest at the rate of six per cent (6%) per annum from the due date until paid.

(C) In the event any dealer fails to make a report and pay the tax as provided by this Act or in case any dealer makes intentionally an incorrect report or a report that is false or fraudulent, it shall be the duty of the Department of Revenue to make an estimate for the taxable period of retail sales of such dealer or of the gross proceeds from rentals or leases of tangible personal property by the dealer and an estimate of the cost price on all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this State and assess and

collect the tax and interest plus penalty if such have accrued on a basis of such assessment which shall be considered prima facie correct and the burden to show the contrary shall rest upon the dealer.

(D) In the event the dealer has imported tangible personal property and he fails to produce an invoice showing the cost price of the articles as defined in this Act which are subject to tax or the invoice does not reflect the true or actual cost price as defined herein then the Department of Revenue shall ascertain in the best manner feasible the true cost price and assess and collect the tax with interest plus penalties if such have accrued on the true cost price. The assessment so made shall be considered prima facie correct and the duty shall be on the dealer to show the contrary.

Section 16. All taxes, interests and penalties imposed under this Act shall be paid to the Department of Revenue in the form of a remittance required by the Department.

Section 17. For the purpose of compensating the dealer in accounting for and remitting the tax levied by this Act, each dealer shall be allowed one per cent (1%) of the amount of tax due and accounted for and remitted to the Department of Revenue in the form of a deduction in submitting his report and paying the amount due by him; provided the amount due on the report was not delinquent at the time of payment.

Section 18. The State shall have a lien on all of the tangible personal property of a dealer for taxes due and owing under this Act. The lien may be enforced as other liens on similar property are enforced, but such lien shall not affect any personal property passing to a bona fide purchaser for value.

Section 19. All monies collected and payable to the Department of Revenue under the provisions of this Act shall be turned over to the State Treasurer to be credited to the general fund.

Section 20. The Department of Revenue shall have the power to make and publish reasonable rules and regulations not inconsistent with this Act or the other laws, or the Constitution of this State or the United States, for the enforcement of the provision of this Act and the collection of revenues hereunder.

Section 21. The Department is authorized to make and publish rules and regulations not inconsistent with this Act as the Department may deem necessary in enforcing its provisions in order that there shall not be collected on the average more than the rate levied herein. The Department of Revenue is authorized to and shall provide by rules and regulations a method for accomplishing this end and shall prepare schedules or instructions to dealers by setting out to them suitable brackets of prices for applying the tax or any other method that may be necessary for the purpose of the enforcement of this Act and the collection of the tax imposed thereby.

Section 23. Repealers.

(A) The tax imposed in Section 2 of this Act is in lieu of that provided in KRS 138.460; but, although that tax is hereby repealed, the Department of Revenue may by regulation continue to collect the tax on sales at retail and on storage, use, or other consumption imposed in Section 2 and 5 of this Act under the provisions of KRS 138.450 to KRS 138.470 or, at its option, to employ the administrative provisions of this act incident to the administration of all the taxes imposed by this act in respect of motor vehicle sales.

(B) The individual income tax (but not the corporation tax) imposed by KRS 141.020 and KRS 141.025 is hereby repealed effective for all taxable years (as defined in KRS 141.010 (12)) after that ended December 31, 1953; but all the administrative provisions relating to the individual income tax shall remain in full force and effect to facilitate the settlement of income tax liability for the taxable year 1953 and for prior years. In the event the taxpayer's taxable year is a fiscal year, the income taxable for the fiscal year beginning in 1953 shall be determined by multiplying the income for the fiscal year so beginning by the number of days in that fiscal year prior to January 1, 1954, and dividing by three hundred and sixty-five (365).

Section 24. All monies collected in taxes under this Act shall be earmarked biennially to be used exclusively for school purposes and to supplement public welfare funds for the matching of aid to dependent children, to the indigent blind and to the

aged, to bring the payments in Kentucky to the maximum provided by federal law.

Section 25. All laws or parts of laws in conflict herewith are now and hereby repealed.

Mr. Lowman moved and it was duly seconded that the rules be suspended for the purpose of the Committee on Committees to appoint and name the Appropriations Committee.

Said motion was agreed to.

The Committee on Committees appointed the following members to serve on the Appropriations Committee:

George F. Harris, Chairman; Chester J. Holsclaw; William T. Wathen; Harry K. Lowman; Tom Mobley; Mrs. Thelma L. Stovall; Walter R. Moorman; William L. Jones; C. E. Dowell; Foster Ockerman; William M. Horn; Goebel W. Newsom, Jr.; James W. Lambert; Hobart Rayburn and Estill R. Hilton.

Mr. Lowman moved that the House do now recess for 15 minutes.

Said motion was agreed to.

Fifteen minutes having expired the Speaker resumes the chair and called the House to order.

COMMITTEE REPORTS

Mr. George Harris, Chairman of the Committee on Appropriations, to which same had been previously referred, reported favorably resolutions of the following titles, viz:

H. Res. No. 1. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Record" and declaring an emergency.

H. Res. No. 2. A JOINT RESOLUTION appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the House and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION appropriating ad-

ditional compensation for officers and employees of the House and Senate and declaring an emergency.

Whereupon, said resolutions were each read at length, and were ordered placed in the calendar.

Mr. Lowman moved that the House do now adjourn until 8:00 P. M. Monday, January 11, 1954.

Said motion was agreed to.

The House was then adjourned.

MONDAY, JANUARY 11, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Harold Edmonds, Representative from Pike County, Kentucky.

The roll of the House was called the following members answered to their names, viz:

Rev. Felix S. Anderson	Cassius M. Clay	George F. Harris
Walter J. Bailey	Paul Cobb	Harold G. Helm
John Rhea Banton	William J. Conley	Henry R. Heyburn
Clarence J. Barnum	R. Josh Cosby	Lon C. Hill
Wallace Bartley	Vernor O. Cottengim	Estill R. Hilton
Charles E. Baumgardner, Sr.	Charles W. Craig	Chester J. Holsclaw
Owen Billington	W. Marvin Davis	Varna Holt
Leo A. Bleemel	John L. Day	William M. Horn
J. Murray Blue	Albert Dempsey	William L. Jones
J. C. Bradley	C. E. Dowell	Jennings H. Kearby
Edward T. Breathitt, Jr.	O. O. Duncan	James W. Lambert
Edward O. Bridgers	Harold Edmonds	Harry King Lowman
John Young Brown	Addison L. Everett	Shelby McCallum
Charles W. Buchanan	Herbert Fern	Ralph E. McClanahan
Harry M. Caudill	Thomas P. Fitzpatrick	Caleb McFadden
	Cabell D. Francis	William E. Maglinger
	W. L. Hadden	Damon Majors
	C. Ruby Harralson	

William C. Mann	Roger E. Qualls	James Treadway
William J. Marcum	Paul T. Ratcliffe	Eulick Walsh
Carl D. Melton	Jack Raybourne, Jr.	Will Tom Wathen
Alton B. Mitchell	L. M. Tipton Reed	Hicks Wells
Tom Mobley	Robert Reid	William B. Wells
Robert K. Montgomery	Russell Reynolds	Warren D. Williams
	Lloyd E. Rogers	Mrs. Randolph Wilson
Walter R. Moorman	Joe Rouse	
Fred Morgan	William A. Routh	T. D. Winstead
Eddie J. Morris	Cecil C. Sanders	Charles W. Wirsch
Thomas J. Murphy	W. R. Smith	Walker H. Wiseman
Goebel W. Newsom, Jr.	Mrs. Thelma L. Stovall	Paul E. Young
		Charles W. Burnley, Speaker
Foster Ockerman	E. H. Stumbo	
Louis T. Peniston	C. Waitman Taylor	—89

Mr. Tipton Reed moved that the reading of the Journal of the proceedings of Wednesday, January 6, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Holsclaw moved that the rules be suspended for the purpose of making an announcement.

Said motion was agreed to.

Mr. Holsclaw announced that the wife of Representative Barnum had died in Louisville, Kentucky, on this morning (January 11, 1954). Mr. Holsclaw expressed regret, and moved that flowers be sent by the members of the House.

Said motion was agreed to and the members of the House contributed to a fund for that purpose.

Mr. Kearby moved that leave of absence for one day be granted for the following members: Mr. James A. Dressman, Jr., Mr. David Heskamp, Mr. Talmage Lacy, Mr. George H. Lovelace, Mr. George R. Martin, Mr. E. D. Pollitte, Mr. Hobart Rayburn, Mr. LeRoy Saylor, Mr. W. W. Webster, Mr. Morris Weintraub and Dr. Clyde D. Wooton.

Said motion was adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. E. R. Hilton.

H. Res. No. 5. A JOINT RESOLUTION naming a successor to the post of Poet Laureate of Kentucky.

Said resolution is as follows, viz:

Whereas, the death of the Poet Laureate, the beloved J. T. Cotton Noe, has left Kentucky in need of one who truly represents its great spirit and traditions, and

Whereas, the people of Kentucky desire to honor their men and women who have achieved distinction in any calling or profession, and

Whereas, there now resides within Kentucky a native son, Jesse Hilton Stuart, who is known and recognized throughout the nation as a writer and poet of eminent distinction, and

Whereas, he has written many short stories, novels such as "Taps for Private Tussie" and "The Good Spirit of Laurel Ridge", and the volumes of poetry, "Man With A Bull-Tongue Plow", "Album of Destiny" and "Kentucky Is My Land", and

Whereas, he was awarded the Guggenheim fellowship for European travel in 1937; the Jeanette Sewal Davis poetry prize in 1934; a prize from the Academy of Arts and Sciences in 1941 and the Thomas Jefferson Southern Award in 1943, and

Whereas, he has valiantly served his country and State as seaman and as an officer in the United States Navy during World War II, and

Whereas, Jesse Hilton Stuart has, in his devoted and enthusiastic service to his State, as well as in his writings, shown the greatest understanding and appreciation of Kentucky and its people: THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Jesse Hilton Stuart be hereby declared to be Poet Lau-

reate of Kentucky and that he be privileged to enjoy all the honors incidental thereto.

It is expressly understood, however, that this declaration of distinction is an honorary one only and bears with it no financial obligation upon the Commonwealth of Kentucky.

By Mr. McCallum and Mr. Breathitt.

H. Res. No. 6. A JOINT RESOLUTION inviting Adlai E. Stevenson to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Honorable Adlai E. Stevenson be, and he hereby is respectfully invited to address a joint session of the General Assembly of the Commonwealth of Kentucky:

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to the Honorable Adlai E. Stevenson an invitation to address a joint session of the General Assembly, and to fix the date and time for such joint session.

By Mr. Heyburn.

H. Res. No. 7. A RESOLUTION to require that Sections 27 through 62 of the Kentucky Constitution, Sections 6.010 to 6.990 of the Kentucky Revised Statutes be included in the 1954 publication of the House Rules.

Said resolution is as follows, viz:

WHEREAS, it is deemed important and necessary that every member of the Kentucky House of Representatives be aware of the Constitutional and statutory provisions affecting his office;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Sections 27 through 62 of the Kentucky Constitution,

by titles only, KRS 6.010 through 6.040, by titles only, and KRS 6.050 through 6.990 in toto be included in the publication of the 1954 House Rules.

By Mr. Hill and Mr. Stumbo.

H Res. No. 8. A RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the state; and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections; and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation; and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation; and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas; and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being a project worthy of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby reqeusted to appropriate funds to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river. The Congress is requested to make such funds available immediately to the U. S.

Corps of Engineers, so that construction of locks and dams can begin during the year 1954.

By Mr. C. W. Burnley, Mr. Morgan and Mr. McCallum.

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; providing for the continuance in office of the present circuit judges and Commonwealth's attorneys and creating the offices of circuit judge and Commonwealth's attorney for the new district established by this Act; providing for the holding of court in each district affected by this Act; and amending sections 23.040 and 23.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population in the division of the state into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

1. That upon the basis of the entire population of the state, as of the last preceding Federal Census, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132 and 138 of the Constitution.

2. That the County of McCracken contains a city of more than twenty thousand inhabitants and has a population, including said city, of more than forty thousand, and thus has the privilege, under Section 138 of the Constitution, of constituting a judicial district.

3. That due to increased industrial development and the consequent increase in the business of the courts of the counties affected by this Act, it will expedite the business of the courts in the counties involved, will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population, to create a new judicial district to consist of the counties of Livings-

ton, Marshall and Calloway, and to change the Second Judicial District so that it will consist of the County of McCracken only, the Third District so that it will consist of the counties of Christian, Lyon and Trigg, and the Fourth District so that it will consist of the counties of Caldwell, Crittenden and Hopkins.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.040 of the Kentucky Revised Statutes is amended to read as follows:

The state is divided into forty-three circuit court districts, each composed of the following counties:

(1) First District. Ballard, Carlisle, Fulton, Graves and Hickman.

(2) Second District. McCracken.

(3) Third District. Christian, Lyon and Trigg.

(4) Fourth District. Caldwell, Crittenden and Hopkins.

(5) Fifth District. Henderson, Union and Webster.

(6) Sixth District. Daviess, Hancock and McLean.

(7) Seventh District. Logan, Simpson and Todd.

(8) Eighth District. Allen and Warren.

(9) Ninth District. Breckinridge, Grayson, Hardin and Meade.

(10) Tenth District. Bullitt, Hart, Larue and Nelson.

(11) Eleventh District. Green, Marion, Taylor and Washington.

(12) Twelfth District. Anderson, Henry, Oldham, Shelby, Spencer and Trimble.

(13) Thirteenth District. Boyle, Garrard, Lincoln and Mercer.

(14) Fourteenth District. Bourbon, Franklin, Scott and Woodford.

(15) Fifteenth District. Boone, Carroll, Gallatin, Grant and Owen.

(16) Sixteenth District. Kenton.

(17) Seventeenth District. Campbell.

(18) Eighteenth District. Harrison, Nicholas, Pendleton and Robertson.

(19) Nineteenth District. Bracken, Fleming and Mason.

(20) Twentieth District. Greenup and Lewis.

(21) Twenty-first District. Bath, Menifee, Montgomery and Rowan.

(22) Twenty-second District. Fayette.

(23) Twenty-third District. Estill, Lee and Owsley.

(24) Twenty-fourth District. Lawrence, Johnson and Martin.

(25) Twenty-fifth District. Clark, Jessamine and Madison.

(26) Twenty-sixth District. Harlan.

(27) Twenty-seventh District. Clay, Jackson and Laurel.

(28) Twenty-eighth District. Pulaski and Rockcastle.

(29) Twenty-ninth District. Adair, Casey, Cumberland and Monroe.

(30) Thirtieth District. Jefferson.

(31) Thirty-first District. Floyd.

(32) Thirty-second District. Boyd.

(33) Thirty-third District. Letcher and Perry.

(34) Thirty-fourth District. Knox, McCreary and Whitley.

(35) Thirty-fifth District. Pike.

(36) Thirty-sixth District. Magoffin and Knott.

(37) Thirty-seventh District. Carter, Elliott and Morgan.

(38) Thirty-eighth District. Butler, Edmonson, Muhlenberg and Ohio.

(39) Thirty-ninth District. Breathitt, Wolfe and Powell.

(40) Fortieth District. Clinton, Russell and Wayne.

(41) Forty-first District. Bell and Leslie.

(42) Forty-second District. Calloway, Livingston and Marshall.

(43) Forty-third District. Barren and Metcalfe.

Section 2. The present circuit judges and Commonwealth's attorneys for the Second, Third and Fourth Judicial Districts, as now constituted, shall retain their respective offices for the terms for which they were elected, for the said districts as they have been changed under this Act.

Section 3. The regular terms of circuit court in the 42nd Judicial District created by this Act shall commence in each county thereof at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

(42) Forty-second District. Livingston County, at Smithland, on the second Monday in April, eighteen juridical days; the second Monday in August, eighteen juridical days; and the first Monday in December, eighteen juridical days.

Marshall County, at Benton, on the second Monday in January, eighteen juridical days; on the second Monday in March, eighteen juridical days; on the second Monday in June, eighteen juridical days; and on the third Monday in October, eighteen juridical days.

Calloway County, at Murray, on the first Monday in February, twenty-four juridical days; on the first Monday in May, twenty-four juridical days; on the third Monday in September, twenty-four juridical days.

Section 4. The offices of circuit judge and Commonwealth's attorney for the new judicial district established by this Act, being the 42nd Judicial District, are hereby created. Until the next regular election for circuit judges and Commonwealth's attorneys following the effective date of this Act, said offices shall be filled as provided by Section 152 of the Constitution for offices in which there is a vacancy.

Section 5. The introductory phrase and subsections (2), (3) and (4) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(2) Second District. McCracken County, at Paducah, continuous session.

(3) Third District. Christian County, at Hopkinsville, on the second Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; on the third Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, third Monday in August and first Monday in December, twelve juridical days each.

Trigg County, at Cadiz on the fourth Monday in January, the third Monday in May and first Monday in September, twelve juridical days each.

(4) Fourth District. Caldwell County, at Princeton, on the first Monday in March, twelve juridical days; on the first Monday in June and fourth Monday in October, eighteen juridical days each.

Crittenden County, at Marion, on the third Monday in March and fourth Monday in June, eighteen juridical days each; on the third Monday in November, twelve juridical days.

Hopkins County, at Madisonville, on the first Monday in February, first Monday in May and fourth Monday in September, twenty-four juridical days each.

Section 6. This Act shall become effective on the twenty-eighth day of June, 1954.

By Mr. Cecil C. Sanders.

H. B. No. 9. AN ACT changing the classification of the City of Junction City, in Boyle County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Junction City, in Boyle County, is such as to justify its being assigned to the fifth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Junction City, in Boyle County, is changed from the sixth to the fifth class of cities.

By Mr. Newsom.

H. B. No. 10. AN ACT concerning equipment of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All motor trucks and semi-trailer trucks that do not have fenders shall be equipped with mud guards of such design and material as will efficiently decrease the amount of mud and spray thrown in the air by the tires of such vehicles.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

By Mr. Martin and Mr. Morris.

H. B. No. 11. AN ACT providing for free hunting and fishing licenses for veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who served in the armed forces of the United States during any war declared by an Act of Congress, who was honorably discharged from such service, who is a resident of this State, shall be entitled each year, on making satisfactory proof of his qualifications to the county clerk, to be issued a State-wide hunting and fishing license without the payment of any fee.

By Mr. Wells, Mr. Martin, Mr. McClanahan and Mr. Maglinger.

H. B. No. 12. AN ACT relating to running or trotting horse race tracks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 138.520 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Albert Dempsey.

H. B. No. 13. AN ACT relating to superintendents of schools and amending Section 160.350 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.350 of the Kentucky Revised Statutes is amended to read as follows:

Each board of education, except county boards of education, which shall not be governed by the provisions of this section, shall appoint a superintendent of schools whose term of office shall begin on July 1 following his appointment. The appointment may be for a term of one, two, three or four years. The board shall fix the salary of the superintendent at not less than $1,200 per annum, to be paid in monthly installments. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. Before any superintendent assumes his duties he shall present to the board of education that appointed him a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been appointed, and he shall hold such certificate throughout the period of his employment. A superintendent of schools may be removed for cause by a vote of four members of a board of education. Written notice setting out the charges for removal

shall be spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

Section 2. The qualified voters in each county shall elect a county superintendent of schools at the same time and place and in the same manner as all county officers are elected. A superintendent shall serve for a term of four years beginning on the first Monday in January 1958, and until a successor is elected and qualified, and each four years thereafter. Any existing vacancy in the office of county superintendent of schools shall be filled as provided in Section 152 of the Constitution of Kentucky.

Section 3. No person shall be a candidate for the office of county school superintendent who is not thirty years of age, and who does not hold a valid certificate in administration and supervision or a masters degree in education.

Section 4. The county board of education shall fix the salary of the county superintendent at not less than $2,400 per annum, to be paid in monthly installments.

By Mr. Dempsey.

H. B. No. 14. AN ACT proposing an amendment to the Constitution of Kentucky relating to the issuance and sale of state bonds to provide for the payment of a bonus to veterans of World War I and World War II.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the ratification of a new section, to read as follows:

The General Assembly shall by law provide for the issuance and sale of bonds of the Commonwealth, not to exceed in the aggregate ninety million dollars notwithstanding the limitation of indebtedness in Section 49 or any other section of the Constitution of Kentucky, which shall be in addition to all other bonds of the Commonwealth heretofore authorized. The proceeds of such additional bonds, or so many thereof as may be necessary for the purpose, shall be used and appropriated solely

for the purpose of paying a cash bonus to the veterans of World War I and World War II who were residents of the Commonwealth at the time of their entry into the service and at least six months prior thereto. Such bonus shall be paid to all persons who rendered active service in the armed forces of the United States in World War I between the sixth day of April, one thousand nine hundred seventeen, and the eleventh day of November, one thousand nine hundred eighteen, both dates inclusive, or in World War II between the seventh day of December, one thousand nine hundred forty-one, and the second day of September, one thousand nine hundred forty-five, both dates inclusive, who were not dishonorably discharged from such forces, and who, within the periods specified, actively served in such armed forces for a period of at least ninety days. Such bonus shall also be paid to any disabled veteran, otherwise qualified, who was discharged within ninety days after entering the services because of a service connected disability.

The amount of such bonus shall be calculated on the basis of ten dollars for each month, or major fraction thereof, served within the territorial limits of the forty-eight states and District of Columbia, and fifteen dollars for each month or major fraction thereof served outside such limits, but such amount shall in no case exceed three hundred dollars for those who served only within the territorial limits specified, and four hundred dollars for those who served outside such limits.

The bonus to which any deceased veteran would be entitled if living, shall be paid only to his unremarried widow, or if none, his child or children under the age of sixteen, or if none, any dependent parent or parents.

Whenever the General Assembly shall provide for the issuance of any bonds under the authority of this amendment, it shall at the same time provide for the levy and collection of an additional cigarette tax, or an additional tax on non-intoxicating beer, or an additional tax on the sale of wine and liquor, or an additional general consumers sales tax, or a graduated income tax, or an additional tax on soft drinks, or a tax on horse racing, or any two or more thereof in such amount as may be required to pay annually the interest of such bonds and the principal thereof within and not exceeding thirty years.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. Weintraub and Mr. Wirsch.

H. B. No. 15. AN ACT to authorize and add one additional judge to the circiut court for the seventeenth circuit court district, and providing for the appointment and election thereof.

Said bill is as follows, viz:

Whereas, the population of the Seventeenth Circuit Court District now exceeds seventy-five thousand inhabitants, and it is impossible for one judge to dispose of the business of said court with reasonable dispatch, and the number of cases upon the docket of said court is increasing, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. One additional judge of the circuit court for the Seventeenth Circuit Court District is hereby authorized and added to said court. Such additional judge shall preside over the Common Law and Equity Division of said court.

Section 2. Immediately upon the effective date of this Act, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is elected and shall have qualified.

Section 3. An election of such additional judge shall be held at the regular election to be held on Tuesday next after

the first Monday in November, 1954, and, after qualifying, as provided by law, the judge so elected shall enter upon the duties of the office at such time as is provided in Section 152 of the Constitution, and continue in office until his successor shall have been elected and qualified.

Section 4. The Judge so elected shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District.

Section 5. At the regular election to be held on the first Tuesday after the first Monday in November, 1957, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

The Speaker announced members of the following committees:

AGRICULTURE COMMITTEE

Chairman: Walter R. Moorman

Banton, John Rhea
Billington, Owen
Bleemel, Leo A.
Bradley, J. C.
Breathitt, Edward T., Jr.
Buchanan, Charles W.
Cosby, R. Josh
Davis, W. Marvin
Everett, Addison L.
Fern, Herbert
Hadden, W. L.
Helm, Harold G.
Jones, William L.
Lacy, Talmage
McCallum, Shelby
Majors, Damon
Mann, William C.
Montgomery, Robert K.
Peniston, Louis T.
Ratcliffe, Paul T.
Raybourne, Jack, Jr.
Rogers, Lloyd E.
Rouse, Joe
Treadway, James
Webster, W. W.
Wilson, Mrs. Randolph
Wiseman, Walker H.
Young, Paul E.

EDUCATION COMMITTEE

Chairman: L. M. Tipton Reed

Bleemel, Leo A.
Breathitt, Edward T., Jr.
Dowell, C. E.
Edmonds, Harold

Harralson, C. Ruby
Harris, George F.
Hilton, Estill R.
Lowman, Harry King
Montgomery, Robert K.
Ockerman, Foster
Qualls, Roger E.
Rayburn, Hobart
Rogers, Lloyd E.
Rouse, Joe
Wathen, Will Tom
Wilson, Mrs. Randolph

WAYS AND MEANS COMMITTEE

Chairman: Chester J. Holsclaw

Breathitt, Edward T. Jr.
Cosby, R. Josh
Edmonds, Harold
Francis, Cabell D.
Jones, William L.
Mobley, Tom
Morgan, Fred
Taylor, C. Waitman
Wells, William B.

The Clerk announced that the following bills and resolutions have been referred to the Ways and Means Committee:

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; proving for the continuance in office of the present circuit judges and Commonwealth's attorneys and creating the offices of circuit judge and Commonwealth's attorney for the new district established by this Act; providing for the holding of court in each district affected by this Act; and amending sections 23.040 and 23.050 of the Kentucky Revised Statutes.

H. B. No. 3. AN ACT changing the classification of the City of Calvert City in Marshall County.

H. Res. No. 5. A JOINT RESOLUTION naming a successor to the post of Poet Laureate of Kentucky.

Mr. Lowman moved that the House recess for fifteen minutes for the purpose of holding a committee meeting.

Said motion was agreed to.

Fifteen minutes having expired, the Speaker resumed the chair and called the House to order.

COMMITTEE REPORTS

Mr. Holsclaw, Chairman of the Ways and Means Committee, to which same had been previously referred, reported favorably bills and resolutions of the following titles, viz:

H. B. No. 3. AN ACT changing the classification of the City of Calvert City in Marshall County.

H. Res. No. 5. A JOINT RESOLUTION naming a successor to the post of Poet Laureate of Kentucky.

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; etc.

Whereupon, said resolutions and bills were each read at length and ordered placed in the calendar.

Mr. Lowman moved that the rules and order of business be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Newsom moved that Dr. John Adkins, Jr., Pikeville, be granted the privilege of the floor.

Said motion was agreed to.

CALENDAR

The House took up for consideration from the Calendar House Resolutions and Bills of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said resolutions be dispensed with, and said resolutions be read for the second time by their title only.

Said motion was agreed to.

H. Res. 1. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Record" and declaring an emergency.

H. Res. No. 2. A JOINT RESOLUTION appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the House and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION appropriating additional compensation for officers and employes of the House and Senate and declaring an emergency.

Ordered that said resolutions be each and severally placed in the Orders of the Day.

The Clerk announced to the House that Mr. Addison L. Everett, Mr. Walter R. Moorman, Mr. Hobart Rayburn and Mr. L. M. Tipton Reed had taken the oath of office as members of the House of Representatives of the Commonwealth of Kentucky before persons qualified to administer said oath.

Mr. Lowman moved that the House do now adjourn until 1:00 P. M. Tuesday, January 12, 1954.

Said motion was agreed to.

The House was then adjourned.

TUESDAY, JANUARY 12, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. C. Bradley
Walter J. Bailey	Owen Billington	Edward T. Breathitt, Jr.
John Rhea Banton	Leo A. Bleemel	Edward O. Bridgers
Wallace Bartley	J. Murray Blue	John Young Brown

Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Mr. Tipton Reed moved that the reading of the Journal of the proceedings of Monday, January 11, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for one day be granted for the following member: Mr. Clarence J. Barnum.

Said motion was adopted.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Dressman.

H. B. No. 16. AN ACT relating to operation of motor vehicles while under the influence of intoxicating liquor or narcotic drugs and amending section 189.520 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.520 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

(3) No peace officer or Highway Patrolman shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) or (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as deterimned at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was more than 0.05 percent, but less than 0.15 percent by weight of alcohol in such blood, such fact shall

not constitute a presumption that the defendant either was or was not under the influence of intoxicating liquor, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was 0.15 percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating liquor.

(6) No person may be compelled to submit to any test specified in subsection (4) of this section, but his refusal to submit to such test shall authorize suspension of his motor vehicle operators license by the Department of Revenue for a period of not less than six months.

By Mr. Webster.

H. Res. No. 9. A JOINT RESOLUTION naming Edwin Carlile Litsey the Poet Laureate of Kentucky.

Said resolution is as follows, viz:

WHEREAS, there is a vacancy in the position of Poet Laureate of Kentucky; and

WHEREAS, Edwin Carlile Litsey, a resident of Lebanon, Marion County, Kentucky has for more than sixty years been writing poetry of such merit as to gain for him five prizes in nationwide poetry contests; and

WHEREAS, Edwin Carlile Litsey has achieved great distinction by having twelve volumes of his work published, by having his work published in numerous magazines and broadcast over the radio; and

WHEREAS, Edwin Carlile Litsey is a Life Member of The Academic Society of International History of Paris, France, of The Arts Club of New York and of The Authors Club of London, England; and

WHEREAS, Edwin Carlile Litsey is a true scholar and gentleman and by his poetry has brought honor and glory to the City of Lebanon, to Marion County and to the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Edwin Carlile Litsey is hereby declared to be the Poet Laureate of Kentucky and that he is privileged to enjoy all the honors incidental thereto. It is expressly understood, however, that this declaration of distinction is an honorary one only and bears with it no financial obligation upon the Commonwealth of Kentucky.

Section 2. That the Secretary of State be, and he hereby is directed to forward a copy of this resolution, properly attested under the seal of the Commonwealth of Kentucky, and a suitable commission, also properly attested, to Edwin Carlile Litsey declaring him to be the Poet Laureate of Kentucky.

CALENDAR

The House took up for consideration from the Calendar House resolutions and bills of the following titles, viz:

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

H. B. No. 3. AN ACT changing the classifications of the City of Calvert City in Marshall County.

H. Res. No. 5. A JOINT RESOLUTION naming a successor to the post of Poet Laureate of Kentucky.

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; etc.

Said bills and resolutions were given second reading and ordered that they be each and severally placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 1. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Record" and declaring an emergency.

Sald resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Dunne Press, Incorporated is authorized and directed to furnish 200 copies of "The Legislative Record," each day the House or Senate is in session, for delivery and distribution as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $2,800 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter 106 of the Acts of 1952. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

Section 2. The distribution of "The Legislative Record" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

Section 3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Record be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agree dto by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	James A. Dressman, Jr.
Walter J. Bailey	Charles W. Buchanan	O. O. Duncan
John Rhea Banton	Harry M. Caudill	Harold Edmonds
Wallace Bartley	Cassius M. Clay	Addison L. Everett
Charles E. Baumgardner, Sr.	Paul Cobb	Herbert Fern
Owen Billington	William J. Conley	Thomas P. Fitzpatrick
Leo A. Bleemel	R. Josh Cosby	W. L. Hadden
J. Murray Blue	Vernor O. Cottengim	C. Ruby Harralson
J. C. Bradley	W. Marvin Davis	George F. Harris
Edward T. Breathitt, Jr.	John L. Day	Harold G. Helm
	Albert Dempsey	David Heskamp
	C. E. Dowell	

Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Lowman moved that the Speaker appoint a committee to wait upon the Governor to notify him that the House was ready to hear his message.

Said motion was agreed to.

The Speaker appointed the following committee:

Chairman—Mr. Morgan

Mr. Taylor

Mrs. Stovall

Mr. Montgomery

Mr. Cottengim

Mr. McClanahan

Mr. W. B. Wells

Mr. Pollitte

Mr. Buchanan

Mr. Hadden

The Clerk announced that the Committee on Committees had referred the following bills to the Ways and Means Committee:

H. B. No. 1—Ways and Means.

H. B. No. 5—Ways and Means.

Mr. Horn moved that the rules be suspended for the purpose of introducing guests.

Said motion was agreed to.

The following guests were then introduced:

Dr. Dancey, Medical Director and Superintendent of Madisonville T. B. Hospital.

Dr. Jones, Medical Director and Superintendent of Ashland T. B. Hospital.

Mr. Harry Hinton, Manager Madisonville T. B. Hospital.

Mr. A. S. Farris, Manager Louisville T. B. Hospital.

Mr. Eli, Manager Ashland T. B. Hospital.

Mr. Chestnut, Manager London Hospital, and wife.

Mr. M. Black, Manager Glasgow T. B. Hospital.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 2. A JOINT RESOLUTION appropriating the sum of two thousand dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of two thousand dollars for a contingent fund for the Clerk of the House and declaring an emergency.

Said resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purposes of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter 106 of the Acts of 1952 for legislative sessions, as a contingent fund, the sum of two thousand dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 106 of the Acts of 1952 for legislative sessions, as a contingent fund, the sum of two thousand dollars. Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this Resolution shall become effective upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
W. R. Smith
E. H. Stumbo
James Treadway

Eulick Walsh	Hicks Wells	T. D. Winstead
Will Tom Wathen	Warren D. Williams	Walker H. Wiseman
W. W. Webster	Mrs. Randolph Wilson	Dr. Clyde D. Wooton
Morris Weintraub		Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

It was announced that the Senate was ready to enter into joint session with the House.

Thereupon the Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and the Honorable Emerson Beauchamp, Lieutenant Governor and President of the Senate, took the Chair and presided, and the Honorable Charles W. Burnley, Speaker of the House of Representatives, having taken his seat on the left of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

After a time the Committee aforesaid, appeared upon the floor of the House with His Excellency, Lawrence W. Wetherby, Governor of the Commonwealth of Kentucky, who took his place at the Clerk's desk.

The Joint Session was opened with prayer by the Reverend Joseph A. O'Dwyer, Pastor of the Church of the Good Shepherd, Frankfort, Kentucky.

His Excellency, Lawrence W. Wetherby, Governor of the Commonwealth of Kentucky, addressed the General Assembly in Joint Session as follows, viz:

LIEUTENANT GOVERNOR BEAUCHAMP, MR. SPEAKER BURNLEY, and MEMBERS OF THE GENERAL ASSEMBLY:

My mission here is to advise you of the condition of Kentucky. In these sixty days we must do the planning for two years. You are working for Kentucky, and I assure you it is an honorable duty. This will be one of the occasions in our lifetime to recognize and meet the demands of public service.

As prescribed by the Constitution, Legislatures of the Commonwealth have met with regularity since 1792. The record of their proceedings has contributed much to Kentuckys glorious history and tradition.

As each Governor and the membership of each General Assembly grappled with the problems common to their era, the pen of history has acclaimed their accomplishments, decried their failures, or scorned their record of mediocrity.

In offering this report, I am not unmindful of the oft-repeated statement that the second legislative session of a Governor's administration is labeled as a stand-pat or do-nothing assemblage. This has largely resulted from political races of the future dominating the deliberations and action on matters coming before the Assembly. Let us resolve today that progress and advancement for Kentucky shall be our theme, rather than running future political races, whether they be Democratic or Republican. I know we all share the same determination to escape this censure.

Since November 27, 1950, on which date I became Governor, few if any individuals have traveled this State more extensively than I. On these journeys to every corner of the State my eyes have been focused and my ears trained to what people are thinking and desiring.

I have confirmed my long-standing opinion that the people are almost always ahead of political leaders in their thinking on public affairs.

The people are aware of Kentucky's problems and needs. They are anxious that something be done about them, and we are the people they selected to do the job.

Having a direct bearing on these questions is the general economic picture of our State. While the average per capita income of our citizens has steadily risen, I regret to report that the coal producing counties of eastern Kentucky are in a serious economic crisis. This Administration through its agencies is coordinating its efforts and working with community organizations of that section in an attempt to reverse this trend. We are endeavoring to attract new industry, provide new tourist and recreational facilities, and otherwise lay a firm foundation on which a more diversified economy can be built.

In the agricultural sections of the State a severe drought and unstable cattle prices have worked hardships on many farm families. However, the overall situation points to medium level prosperity.

Since World War II, our urban centers have experienced an almost phenomenal growth. Along with this increased population has come new industrial expansion, bringing job opportunities for many thousands and investments in excess of two billion dollars.

In the past two years your State Government has operated with a flattering minimum of public criticism. Every unit has performed efficiently, with the public's interest serving as their chief guidepost. Parallel to good public service during the current fiscal year has been the successful determination of the Administration to live within Kentucky's revenue means. To do this, progressive programs envisioned by the Administration and endorsed by the 1952 Legislature had to be re-examined and pared down. A reduction in the number of State employees became necessary. These actions were difficult and painful, but the State will not be in debt at the end of this fiscal year and nowhere among state services has a breakdown occurred.

This was accomplished without reducing our support to elementary education. Full information on the operation of each department is available in reports which have been filed as required by law.

Before turning to a detailed review of the budget proposals, an important fact should be noted. The General Fund represents less than one-half of the State's annual expenditures. This fact

creates considerable confusion and wide misunderstanding. There are three distinct parts of the State's fiscal pattern.

First is the General Fund, which receives all moneys not earmared for special purposes by the Constitution or statutes of the Commonwealth. The General Fund constitutes the major financial support for education, health and welfare, conservation and agriculture, and general government.

Second is the Road Fund, which by constitutional provision receives motor fuel and vehicle taxes which are devoted to the road program of the State.

Third are the various trust and agency funds which receive earmarked funds that can be spent only for designated functions. For instance, funds received from the sale of hunting and fishing licenses can be used only by the Department of Fish and Wildlife Resources. College tuitions can be spent only by the college receiving them.

At this time we must concern ourselves primarily with the General Fund income and expenditures and consider the other funds as they relate to the General Fund.

Before presenting any proposals for the next biennium, let me review with you the financial developments of the past two years.

The budget which the last General Assembly approved was based upon the expectation of the General Fund tax collections of seventy-eight and eighty-one million dollars for the two fiscal years to follow.

Some of you will recall that I told the General Assembly at that time that the revenue estimate was optimistic. I also asked that provisions be written in law which would allow the budget to be adjusted downward should such a need arise. All of you are aware that tax collections did not meet expectations. Reductions were necessary in both the first year of the biennium and in the second, the year in which we are now operating. The nature of the reductions which we chose has a direct relationship to the budget I present to you today.

I proposed to the Legislature in 1952 a budget which pro-

vided for progress in education, public health and welfare, and all programs of State Government. By almost unanimous vote the General Assembly approved this program.

When revenue fell short, budget reductions were inaugurated to accomplish two things: one, to carry out as many of the agreed upon program advancements as possible, and, two, to carry them out within a balanced budget. I was determined not to present to you, upon your arrival in Frankfort for this session, a host of deficiency appropriation bills. Keeping the budget balanced, and we have kept it balanced, has required the curtailment of programs, but the curtailment has been on an orderly, planned basis.

While reducing the budget for the present fiscal year, we have tried to maintain as many as possible of the advancements which had already been made. In addition, there are some programs in our State in which standing still actually means moving backward. I felt the State could not afford to move backward. Preserving our advancements and allowing some forward movement involved making choices. I made these choices.

The first choice involved the use of accumulated money in the Revolving and Trust and Agency Accounts of some agencies. This was money which had been accumulated prior to the present fiscal year. The agencies are using this Trust and Agency surplus for normal operating expenses for the current fiscal year. Many appropriations out of the General Fund were cut to the extent of the amount available in these accounts. To continue the programs being partially financed by the use of these revolving funds, which will largely be depleted by the end of this fiscal year, additional support from the General Fund must be provided for the coming biennium.

The second choice was to postpone replacement of equipment and certain aspects of maintenance. Postponements of this nature over a longer period than a year or two, cannot be continued. The budget I am proposing for the fiscal years 1954-55 and 1955-56 can be more clearly understood if I outline the major steps and decisions which went into its preparation.

First, each agency was asked to submit to me its request for

funds. Most requests were conservative. I also asked that each agency estimate and justify in detail the cost of *continuing present programs.* From the beginning, this was one of the primary considerations in reviewing the budget requests. Every possible effort was made to apply the same factors to each agency, to insure that continuation cost for one agency had the same meaning that it did for every other.

As the second step, I requested the Department of Revenue to give me a tentative estimate of the income we could expect from our present tax system. The Revenue Department estimated our income at about seventy-six million dollars a year. At this point, I had to make a choice. I could present to you a budget within anticipated revenue. Such a budget would sharply reduce the present programs of the State. The alternative was to propose adjustments in our tax system to raise the additional funds required.

The estimated cost of continuing programs at present levels of operation is eighty-one million, two hundred thousand dollars a year—or one hundred and sixty two million, four hundred thousand dollars for the biennium. This is about five million, two hundred thousand dollars per year above the estimated revenue.

The need for increased dollar support to continue the present program is attributable to several factors. I spoke of two of these in relation to present year reductions.

Four other factors are of major significance. First, new buildings and other facilities begun during the present biennium will be opened. The new ward building at Kentucky Training Home is an example. Provision must be made to operate these new facilities.

Second, workloads in some agencies will increase due to factors beyond our control. An example of many that could be recited is the Welfare Department, which operates the Training Home, Kentucky Village and the penal institutions.

Third, personal services cost will be higher. It is the policy of the State to award annual pay increases to employees for the first four years they occupy a position. Allowance must be made in any budget for the cost of these increases.

Fourth, replacement of depleted inventories at our institutions and slight increases in prices and utility rates.

I have made two major exceptions to the policy of continuing the programs of the State at present levels. First, I have proposed an increase of six million dollars for the biennium for the Common School Fund. This brings the biennial appropriation to the common schools to sixty-nine million, five hundred and seventy-one thousand dollars—over twenty million dollars above the appropriation made by the 1950 session.

Second, I have proposed an additional appropriation to the Department of Library and Archives of something over two hundred thousand dollars for the Bookmobile project. I feel that the citizens and the local governmental units of the State have indicated sufficient interest in this project to justify this increase.

To continue present programs in all fields, to provide for increases in the Common School Fund, and for the Bookmobile project, I recommend an appropriation of eighty-four million, six hundred thousand dollars the first year, and eighty-four million dollars the second year, a biennial budget for recurring costs of one hundred and sixty-eight million, six hundred thousand general fund dollars.

In addition to the appropriations recommended from recurring revenue, this budget proposes the appropriation of seven million dollars of non-recurring revenue for capital outlay purposes.

The major appropriation in this amount is to the State Property and Buildings Commission for continuation of the State's building program.

This proposed appropriation for capital outlay by the Buildings Commission continues a sound and well established policy of dedicating non-recurring revenues to non-recurring types of expenditures.

The general functions of education continue to receive the major share of the General Fund, fifty-five and eight-tenths per cent. Health and Welfare will receive thirty and seven-tenths per cent; agriculture and Conservation, one and seven-tenths per

cent, and all other activities of government, eleven and eight-tenths per cent.

In the preparation of this document, all funds of the Commonwealth have been considered. You will note that agency receipts have been more clearly reviewed than in any previous budget. This budget anticipates that all of the support possible for an agency program will come from its own resources, thereby lessening as much as possible the claim against the General Fund.

These estimates are based on the assumption that the Federal Government's participation in federal-state programs will continue on the present basis. Should this fail to materialize, our only choice will be reductions in programs in which changes are made in federal support.

The budget is not a matter of bookkeeping alone. It is a detailed plan of what your State Government hopes to accomplish in the two years to come, translated into dollars. The proposal I have made to you is my own evaluation of the desires of the people for State services, weighed against their willingness and ability to pay for them. It has been no simple task to make this evaluation. The alternatives are seldom exact or pleasant. The job of looking two and a half years ahead is full of hazards and uncertainties.

I have attempted to present this proposal to you simply and clearly. It is my feeling that the budget document on your desks represents the best possible selection of available information to facilitate your understanding of the proposals made.

The General Fund expenditure budget submitted can be balanced by anticipated revenues from the existing tax system, together with enactment of new measures, which I propose as follows:

1. Establish a pay-as-you-go plan for collection of the individual income tax, by a system of withholding and declaration.

2. Change the cigarette tax from the present rate based on price, to a flat rate of three cents per pack of twenty cigarettes.

3. Increase the beer consumption tax from a dollar and a half per barrel, to two dollars and a half per barrel.

4. Increase the wine consumption tax from twenty-five cents per gallon, to fifty cents per gallon.

5. Remove the pari-mutuel tax exemption and change the existing flat rate to a graduated tax.

The pay-as-you-go income tax plan is not new. The Federal Government started it a decade ago. The States of Delaware, Oregon, and Vermont have adopted this method of collection, and report much success.

This plan will make the income tax more just, because it will require everyone to pay uniformly. It will be far more convenient for the average taxpayer. Pay-as-you-go will cut down tax delinquency. It insures collection of the tax before either the taxpayer or his ability to pay disappears. This method will also help the State by providing a more regular flow of money into the Treasury.

As it is now, the heaviest State expenditures are in the first part of the fiscal year, while income tax collections are concentrated in the last half.

The Department of Revenue has made a careful study of how the withholding plan works elsewhere. A plan of administration is ready that will be easy for employers to follow in arranging for withholding. The effective date would be July 1, 1954. The Department of Revenue estimates an additional three million dollars per year as a result of this tax plan.

The first year under pay-as-you-go will result in an estimated seven million dollars of non-recurring revenue due to advancing payments to a current basis. I have recommended that this sum be appropriated for non-recurring expenditures.

The second proposal, dealing with the cigarette tax, will produce an additional two million, seven hundred thousand dollars annually. Kentucky's cigarette tax is now based on price. Many packs are already taxed at three cents. This proposal would establish a three-cent tax on all standard packs of twenty cigarettes. Kentucky's rate has been considerably below the average. Thirty of forty states specifically taxing cigarettes have a rate of three cents or more.

The third proposal, increasing the beer tax, would yield an additional one million, one hundred thousand dollars annually. With this increase, Kentucky would still have an equivalent or more favorable rate compared with most of our neighbors. For example, the tax per barrel in Ohio is two dollars and fifty cents. Indiana, two dollars and seventy-one cents. Tenessee, three dollars and forty cents. West Virginia, five dollars and fifty cents.

The fourth proposal, increasing the wine tax, would produce an additional two hundred thousand dollars annually.

The final revenue proposal is a more equitable approach to pari-mutuel taxation. It will establish a uniform tax on all pari-mutuel bets, regardless of the track where the bets are placed. It is estimated this will produce an additional eight hundred thousand dollars.

There are many other ways to raise taxes, but we have recommended those which we believe will cause the least overall harm to the economy, and to our citizens in general.

I have presented a budget designed to meet Kentucky's minimum needs, and if it is approved the above measures, or others that would produce an equal amount of revenue must be enacted.

There are several proposals with which the public, I know, is greatly concerned. I urge your serious consideration of each.

The fact that Kentuckians realize that our educational system is sick was revealed by the two hundred and forty-one thousand majority given the amendment permitting a change in the method of distributing school funds.

All of us hold office by popular election, and must keenly respect a majority of this dimension. The action of Kentucky voters was an overwhelming expression of confidence in the desire and ability of the Legislature and the elected officials to write and enact into law a sound and equitable method of distributing school money. This is the next step necessary to developing a sound educational system. Work is now under way by educational leaders, the State Department of Education, the Legislative Research Commission, and others, to write such a bill for submission to you during this session.

The unregulated mining of coal by the strip or open pit method causes soil erosion, stream pollution, increases likelihood of floods, impairs efforts in the conservation of soil, water, and other natural resources, and otherwise destroys the value of land for agricultural purposes.

Each generation must be aware of its responsibilities to the next. A generation is only temporary, but the ravages of strip mining have mutilated the topographical face of Kentucky forever. This mining method is comparatively new and is rapidly expanding. Without control, thousands of additional acres will be destroyed. In our failure to provide for a degree of rehabilitation of these areas, we are being unfaithful to posterity. The strength of local governments in these sections is being sapped by the destruction of taxable property.

Strip mining regulation is not a newcomer to the Kentucky Legislature.

A bill was introduced in 1948 but was not acted upon so that further study could be applied to this subject. In 1950 a similar bill was emasculated by amendment.

In 1952 the hopes of all forward-looking Kentuckians were demolished by the power and influence of special interests. Again, an effective, but reasonable, strip mine regulation bill will be introduced. I urge its passage, to the dignity of yourselves and the Commonwealth.

Man is confused enough by circumstances beyond his control. All of us can wind a clock, but few of us can tell what time it is in Kentucky during the summer months. To avoid this confusion, I hope the Legislature will make a full exploration of our laws dealing with time.

Under our existing law the mentally ill are described as idiots, lunatics, feeble-minded, and insane, and in the methods prescribed for the admission of such people to our mental hospitals they are treated and handled in the same manner as criminals.

Since we have developed a Department of Mental Health, it is now time for us to make additional advancements in this field, and we therefore propose to revise the laws dealing with the description of the mentally ill, and also propose to revise the method by which such people may be committed to our mental institutions for diagnosis, care, and treatment.

This Department has made rapid strides during the past biennuim, and we feel that the legislation which will be submitted to you, dealing with this subject, will provide means for additional advancement in dealing with these unfortunate citizens of Kentucky.

During the past year a committee of interested citizens, working with the Department of Welfare, made a complete study of our laws dealing with probation and parole. They have found many outmoded provisions within the statute, and have prepared a bill which will revise and modernize the entire system of probation and parole.

The bill would require the circuit courts to have an investigation conducted by a probation officer before placing any person on probation. It modernizes current procedures, and corrects many inadequacies which now exist. This bill will be submitted to you during the session, and I hope you will give it your consideration and approval.

Under recent decisions of our Court of Appeals, several flaws in our laws dealing with the selection of our juries, both grand and petit, have been pointed out.

The Kentucky Judicial Council has made a careful study, and prepared legislation which we feel would correct some of these defects, and provide for a more orderly process for the selection of juries. This legislation would materially strengthen our jury system, removing some of the outmoded provisions of the present jury law, and would give to our citizens a greater confidence in our judicial system.

During the 1952 session of the General Assembly, you directed the Legislative Research Commission and the Governor

to appoint a commission to study the question of alcoholism. Such a study has been made, and a detailed report and recommendations on that problem will be submitted to you. This report points out the seriousness of the problem. I urge you to study it carefully, and give proper consideration to the recommendations offered.

The right to vote is one of our most precious rights, and during your last session, you enacted into law a new Registration and Purgation Act, which, I think, has been very beneficial to Kentucky.

Every effort should be made to encourage our citizens to participate freely in the election process, and with this in mind, we have explored the possibilities of making voting machines available to all counties desiring to adopt this method of voting.

Enabling legislation will be presented to you which will aid in financing the purchase of voting machines by the counties of Kentucky that desire to use them. The enactment of this measure will further encourage our citizens to participate in elections.

This proposal would be permissive, and not mandatory.

One of the beauty spots of Kentucky has long been inaccessible, but during recent years a new highway has been built into the Breaks of the Sandy. The people of Virginia and eastern Kentucky are interested in the development of this natural asset. Representatives of our State and Virginia have negotiated to iointly develop this area for recreational purposes.

It will be necessary in order to do this for the Federal Congress to approve a compact between Kentucky and Virginia, and it will also be necessary for the legislative body of each state to enact enabling legislation.

The Department of Conservation has prepared a bill which will be introduced by members from that area, and I urge you to pass it.

Kentucky has more animal rabies than any state in the Union. Our animal disease reporting system has shown as many as one hundred and fifty-five cases in Kentucky in a single month.

The Department of Health has prepared legislation dealing with this problem from the health standpoint. It will be submitted to you, and certainly deserves serious consideration. Kentucky should have an effective rabies control law.

I have mentioned several of the proposals which I shall make to you during the course of this session. There are additional subjects, including specifically a recommendation dealing with our highway system, which I shall make when a survey now under way has been completed. I shall made additional recommendations either through your leadership or by appearances before you.

My sincere desire is to work with you harmoniously during the coming weeks, for the enactment of legislation designed to advance Kentucky. The citizens of Kentucky are depending on us. Let's give them our best effort. We must not betray their trust.

Mr. Lowman moved that the Joint Session of the General Assembly do now dissolve.

Said motion was agreed to.

The Joint Session dissolved.

The Speaker resumed the Chair and called the House to Order.

Mr. Holsclaw moved that the rules be suspended for the purpose of introducing guests.

Said motion was agreed to.

Thereupon Mr. Holsclaw introduced the following guests:

Mayor Andrew Broaddus, Mayor of Louisville.

Members of the Board of Aldermen, Louisville, Kentucky, as follows:

Mr. Thomas Wall

Mr. Nolan Fallahay

Mr. Dave Specht

Mr. W. J. Siemens

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 3. A JOINT RESOLUTION appropriating additional compensation for officers and employes of the House and Senate and declaring an emergency.

Said resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and House of Representatives:

Assistant Clerk

Enrolling Clerk

Sergeant-at-arms

Doorkeeper

Cloakroom Keepers (2)

Janitor

Pages (4)

to that compensation as provided for in KRS 6.230, the sum of four hundred dollars per diem, for each body, for the duration of the 1954 Regular Session;

That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees, according to the per diem set forth in KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on the basis;

That the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for the above-named amounts, and that the

Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are further directed to distribute the additional compensation to the above-mentioned officers and employees as provided in KRS 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1954 Regular Session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall become effective upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Walter J. Bailey	Leo A. Bleemel	Charles W. Buchanan
John Rhea Banton	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Cassius M. Clay
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Paul Cobb
	Edward O. Bridgers	William J. Conley

R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Lowman, Mr. Dowell, and Mr. Webster.

H. B. No. 17. AN ACT relating to alcoholic beverage excise taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsections (2) and (3) of Section 243.720 of the Kentucky Revised Statutes are amended to read as follows:

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of fifty cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than four cents on the sale or distribution of any retail container of wine.

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $2.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Sec. 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon all wine or malt beverages upon which the tax imposed by subsections (2) and (3) of KRS 243.720 as such statute existed on January 1, 1954, has been paid and which on July 1, 1954, are held and intended for sale or for use, there shall be levied, assessed, collected and paid a floor stocks tax as follows:

(a) Twenty-five cents on each gallon of wine and a proportionate tax at a like rate on all fractional parts of a gallon;

(b) One dollar on each thirty-one-gallon barrel of malt beverages and a proportionate tax at a like rate on all fractional parts of a barrel.

(2) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before July 15, 1954, make a return and pay such tax to the Department of Revenue. Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.

(3) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (2) of this section for payment, shall pay a penalty of twenty percent of the amount of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed only as provided in KRS 131.110 and KRS 131.120.

(4) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both.

Sec. 3. This Act shall become effective on July 1, 1954.

Said bill was ordered printed and referred.

By Mr. Lowman, Mr. Dowell and Mr. Webster.

H. B. No. 18. AN ACT relating to pari-mutuel and other similar systems of betting, including taxation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

"An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to three percent of so much of the total amount of all money deposited daily in pari-mutuel pools or similar pools as does not exceed $100,000, four percent of so much thereof as exceeds $100,000 but does not exceed $200,000, five percent of so much thereof as exceeds

$200,000 but does not exceed $300,000, six percent of all over $300,000. Pari-mutuel pools or similar pools include any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator."

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

"The commission, including the tax levied in Section 1, deducted from the pari-mutuel pools by the person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system shall not exceed thirteen per cent of the gross amount handled, and the breaks, which breaks shall be made and calculated to the dime."

Section 3. Section 138.520 of the Kentucky Revised Statutes is repealed.

Section 4. This Act shall become effective on July 1, 1954.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 19. AN ACT relating to excise tobacco taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (1) of Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco, or any substitute for tobacco, at the rate of three cents on each twenty cigarettes or fraction thereof. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

Sec. 2. Section 138.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Cigarette tax stamps shall be purchased only from the Department of Revenue. The department may prescribe rules and regulations governing their sale and distribution.

(2) The department shall prescribe the forms of the cigarette tax stamps, and shall have the stamps prepared for sale in such a manner as it deems proper.

(3) The stamps shall be sold at their face value but the department shall allow each wholesaler required or authorized by the department to purchase and affix stamps, for each three dollars' worth of stamps purchased at their face value and affixed by the wholesaler, an amount of stamps equal to eighteen cents at their face value as compensation for affixing the stamps and making such reports as the department may require. This allowance shall be made only when the department is satisfied that the stamps purchased were actually used as provided by the department and the required reports were made.

Sec. 3. A new Section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon all cigarettes upon which the tax imposed by subsection (1) of KRS 138.140 as such statute existed on January 1, 1954, has been paid, and which on July 1, 1954, are held and intended for sale, there shall be levied, assessed, collected and paid a "floor stocks" tax at rates equal to three cents on each twenty cigarettes or fraction thereof, less the credits allowed under subsection (2) of this section.

(2) The tax levied under subsection (1) of this section shall be credited with the amount of taxes paid pursuant to subsection (1) of KRS 138.140 as such statute existed on January 1, 1954, on cigarettes subject to the tax levied by subsection (1) of this section.

(3) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before July 15, 1954, make a return and pay such tax to the Department of Revenue. Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.

(4) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (3) of this section for payment shall pay a penalty of twenty percent of the amount

of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed only as provided in KRS 131.110 and KRS 131.120.

(5) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars or be imprisoned for not less than thirty days nor more than one year, or both.

Sec. 4. This Act shall become effective on July 1, 1954.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 20. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is hereby appropriated out of the General Expenditure Fund, including any surplus cash balance to the credit of the General Expenditure Fund as of June 30, 1954, for the fiscal year beginning July 1, 1954, and ending June 30, 1955, and for the fiscal year beginning July 1, 1955, and ending June 30, 1956, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two, Three, and Four of this Budget Act, as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions.*

1955-56 ----------$400,000

B. *Legislative Research Commission.* Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ----------$88,475
1955-56 ----------$91,275

C. *Legislative Journals and Acts.* For preparing, indexing, editing, and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ----------$20,000

together with any unexpended balance available on June 30, 1954.

1955-56 ----------$24,000

D. *The Council of State Governments.*

1954-55 ----------$7,500
1955-56 ----------$7,500

TOTAL—LEGISLATIVE

1954-55 ----------$115,975
1955-56 ----------$522,775

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2. LIEUTENANT GOVERNOR

A. *Lieutenant Governor.*

1954-55 ----------$8,500
1955-56 ----------$8,500

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and commissioners.

1954-55 ----------$203,000
1955-56 ----------$204,500

B. *Clerk of Court of Appeals.*
1954-55 ..... $29,200
1955-56 ..... $29,600

C. *Board of Bar Examiners.*
1954-55 ..... $500
1955-56 ..... $500

D. *Circuit Courts.* For salaries and expenses of Circuit judges.
1954-55 ..... $412,500
1955-56 ..... $412,500

E. *Judicial Council.*
1954-55 ..... $13,500
1955-56 ..... $13,500

Subject to provisions of KRS Chapter 45 the financial administration of the above appropriations may, by order of the Court of Appeals, be committed in whole or in part to an officer designated by the Court during the pleasure of the Court. The cost of the office may be apportioned among the above appropriations as directed by the Court. The officer may perform such other administrative functions as the Court may direct.

TOTAL—JUDICIARY
1954-55 ..... $658,700
1955-56 ..... $660,600

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4. EXECUTIVE DEPARTMENT

A. *Governor's Office.*
1954-55 ..... $56,250
1955-56 ..... $56,250

B. *Contingent Fund.*
1954-55 ..... $10,000
1955-56 ..... $10,000

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund. Any

unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ..... $500,000
1955-56 ..... $500,000

TOTAL—EXECUTIVE DEPARTMENT

1954-55 ..... $566,250
1955-56 ..... $566,250

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5. SECRETARY OF STATE

A. *Secretary of State.*

1954-55 ..... $52,550
1955-56 ..... $53,300

6. DEPARTMENT OF LAW

A. *Attorney General.*

1954-55 ..... $104,000
1955-56 ..... $104,500

7. STATUTE REVISION COMMISSION

A. *Statute Revision Commission.*

1954-55 ..... $37,375
1955-56 ..... $39,500

8. DEPARTMENT OF TREASURY

A. *State Treasurer.*

1954-55 ..... $56,725
1955-56 ..... $59,175

9. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.*

1954-55 ..... $50,125
1955-56 ..... $52,325

10. DEPARTMENT OF FINANCE

A. *Commissioner of Finance.*

1954-55 ..... $386,750
1955-56 ..... $401,050

B. *Division of Services.*

1954-55 ..... $291,750
1955-56 ..... $300,850

C. *Confederate Pensions.*

1954-55 ..... $16,600
1955-56 ..... $11,800

D. *Paper for Election Ballots.* Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ..... $10,000
1955-56 ..... $10,000

TOTAL—DEPARTMENT OF FINANCE

1954-55 ..... $705,100
1955-56 ..... $723,700

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11. DEPARTMENT OF REVENUE

A. *General Operations.*

1954-55 ..... $1,195,000
1955-56 ..... $1,196,000

B. *Reappraisals.*

1954-55 ..... $150,000
1955-56 ..... $150,000

C. *County Tax Commissioners.*

1954-55 ..... $1,146,000
1955-56 ..... $1,156,000

TOTAL—DEPARTMENT OF REVENUE

1954-55 ..... $2,491,000
1955-56 ..... $2,502,000

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12. ELECTIONS

A. *Board of Election Commissioners.*

1954-55 ..... $1,700
1955-56 ..... $1,700

B. *Board of Registration and Purgation.*

1954-55 ..... $13,050
1955-56 ..... $ 2,300

C. *Elections.* For County Elections (State Share),
1954-55 ----------$170,000
1955-56 ----------$170,000

TOTAL—ELECTIONS
1954-55 ----------$184,750
1955-56 ----------$174,000

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13. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.*
1954-55 ----------$126,060
1955-56 ----------$133,090

B. *Armories—Rental.*
1954-55 ----------$121,720
1955-56 ----------$121,720

C. *Civil Defense.*
1954-55 ----------$33,470
1955-56 ----------$34,015

TOTAL—DEPARTMENT OF MILITARY AFFAIRS
1954-55 ----------$281,250
1955-56 ----------$288,825

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14. KENTUCKY DISABLED EX-SERVICE MEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board.*
1954-55 ----------$89,350
1955-56 ----------$90,675

15. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*
1954-55 ----------$121,425
1955-56 ----------$124,425

16. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*
1954-55 ----------$129,800
1955-56 ----------$136,200

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *General Operations.*
1954-55 ..... $178,500
1955-56 ..... $167,500

B. *Mineral Survey.*
1954-55 ..... $40,000
1955-56 ..... $40,000

C. *Topographic Mapping.*
1955-56 ..... $15,000

D. *Water Resources Survey.*
1954-55 ..... $96,000
1955-56 ..... $96,000

TOTAL—AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD
1954-55 ..... $314,500
1955-56 ..... $318,500

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18. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Law Librarian.*
1954-55 ..... $15,575
1955-56 ..... $16,200

B. *State Librarian.*
1954-55 ..... $5,075
1955-56 ..... $5,075

C. *Law Library Books.* For expenses as provided for under KRS 171.110,
1954-55 ..... $7,500
1955-56 ..... $7,500

D. *Library Sales Account.* For expenses of publishing opinions of the Court of Appeals,
1954-55 ..... $4,400
1955-56 ..... $4,400

E. *Distribution and Repair of Books.*
1954-55 ..... $1,000
1955-56 ..... $1,000

F. *Kentucky State Historical Society.*
1954-55 ..... $31,650
1955-56 ..... $33,075

G. *Division of Library Extension.*
1954-55 ..... $232,150
1955-56 ..... $149,950

Includes $50,000 each year for the Public Library Service Commission.

TOTAL—DEPARTMENT OF LIBRARY AND ARCHIVES
1954-55 ..... $297,350
1955-56 ..... $217,200

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19. DEPARTMENT OF BUSINESS REGULATIONS

A. *Division of Athletic Control.*
1954-55 ..... $4,700
1955-56 ..... $4,700

20. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.*
1954-55 ..... $95,950
1955-56 ..... $95,550

21. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*
1954-55 ..... $234,000
1955-56 ..... $240,000

22. RAILROAD COMMISSION

A. *Railroad Commission.*
1954-55 ..... $30,475
1955-56 ..... $30,475

23. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control.*

1954-55 ..... $230,650
1955-56 ..... $237,500

24. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance, except that refunds of $100 or less may be authorized solely by the head of the department or agency to whom the money was originally paid or by any subordinate officer or employee designated in writing by the head of the department or agency.

1954-55 ..... The Amount Necessary
1955-56 ..... The Amount Necessary

B. *Bonds of Elective Officers.* For payment of premiums on bonds of elected State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1954-55 ..... $1,300
1955-56 ..... $1,300

C. *Judgments.* For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1954-55 ..... $37,500
1955-56 ..... $37,500

D. *Frankfort Cemetery.*

1954-55 ..... $250
1955-56 ..... $250

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165,

1954-55 ..... $300
1955-56 ..... $300

F. *Statutes and Codes for Courts.* For purchasing copies of the statutes of Kentucky and Kentucky Codes of Practice for the purposes contemplated in KRS 57.340. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1954-55 ..... $2,150
1955-56 ..... $1,500

G. *Kentucky Directory.*
1954-55 ..... $1,100

H. *Interstate Oil Compact.*
1954-55 ..... $1,000
1955-56 ..... $1,000

I. *Prior Year Claims.*
1954-55 ..... The Amount Necessary
1955-56 ..... The Amount Necessary

J. *Public Improvements.* For paying assessments for public works against property owned by the State as provided by KRS 94.297,

1954-55 ..... $7,000
1955-56 ..... $7,000

K. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund,

1954-55 ..... $20,000
1955-56 ..... $20,000

L. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission,

1954-55 ..... $600
1955-56 ..... $600

M. *Social Security for Circuit Clerks, Master Commissioners, and Court Reporters.*

1954-55 ..... $9,000
1955-56 ..... $9,000

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED
1954-55 ..... $80,200
1955-56 ..... $78,450

25. DEPARTMENT OF INSURANCE

A. *Department of Insurance.*
1954-55 ..... $65,000
1955-56 ..... $65,000

26. COUNTY COSTS

A. *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks), Commissions on Fines and Forfeitures, Commonwealth's Attorneys, Return of Fugitives from Justice, County Highway Patrol, Premiums on Sheriffs' Bonds, Pauper Idiots, and County Boards of Supervisors.*
1954-55 ..... $2,676,400
1955-56 ..... $2,676,400

27. CONSTITUTION REVIEW COMMISSION

A. *Constitution Review Commission.*
1954-55 ..... $2,500
1955-56 ..... $2,500

TOTAL—I. GENERAL GOVERNMENT
1954-55 ..... $ 9,684,600
1955-56 ..... $10,073,025

II. WELFARE

28. DEPARTMENT OF WELFARE

A. *Central Office.* For expenses of the Office of the Commissioner, Division of Staff Services, Division of Corrections and Agricultural Production.
1954-55 ..... $166,775
1955-56 ..... $170,125

B. *Kentucky Training Home.*
1954-55 ..... $587,860
1955-56 ..... $605,460

C. *Penal Institutions.* For expenses of Kentucky State Reformatory, Women's Prison, and Kentucky State Penitentiary,
1954-55 ..... $1,530,955
1955-56 ..... $1,585,270

D. *Probation and Parole.* For expenses of the Division of Probation and Parole and the Parole Board,
1954-55 ..... $215,500
1955-56 ..... $222,400

E. *Kentucky Children's Bureau.* For expenses of the Youth Authority, Kentucky Village, Kentucky Children's Home, and Division of Child Welfare—Social Services,
1954-55 ..... $1,121,560
1955-56 ..... $1,164,145

F. *Child Welfare—Benefits.* For boarding home care and other benefit expenses, and not to be used for costs of administration,
1954-55 ..... $300,000
1955-56 ..... $325,000

G. *Home for Incurables.*
1954-55 ..... $15,000
1955-56 ..... $15,000

H. *Maintenance of Buildings.*
1954-55 ..... $100,000
1955-56 ..... $100,000

TOTAL—DEPARTMENT OF WELFARE
1954-55 ..... $4,037,650
1955-56 ..... $4,187,400

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29. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (Matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in

effect or hereinafter enacted and under any act of Congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also, for the administration of Old Age Assistance, Aid to Dependent Children, Services to Needy Children and Aid to the Needy Blind, including cost to the State Treasurer for preparing, printing and issuing checks for recipients of Public Assistance Programs.

A. *Public Assistance – Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230,

1954-55 ..... $1,078,000
1955-56 ..... $1,100,000

B. *Public Assistance—Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor,

1954-55 ..... $10,631,200
1955-56 ..... $10,958,200

C. *Division of Personnel Security.* For administering the Social Security Act.

1954-55 ..... $16,500
1955-56 ..... $16,600

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1954-55 ..... $11,725,700
1955-56 ..... $12,074,800

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30. DEPARTMENT OF HEALTH

A. *General Operations and County Health.*
1954-55 ..... $1,921,400
1955-56 ..... $2,033,600

B. *Red Cross Hospital.*
1954-55 ..... $31,500
1955-56 ..... $31,500

C. *Kentucky Crippled Children's Commission.*
1954-55 ..... $202,500
1955-56 ..... $202,500

D. *Medical Research Commission.*
1954-55 ..... $300,000
1955-56 ..... $300,000

E. *Julius Marks Sanatorium.*
1954-55 ..... $105,000
1955-56 ..... $105,000

F. *Covington-Kenton County Tuberculosis Sanatorium.*
1954-55 ..... $55,000
1955-56 ..... $60,000

G. *Warren County Tuberculosis Sanatorium.*
1954-55 ..... $36,000
1955-56 ..... $36,000

H. *Waverly Hills Tuberculosis Sanatorium.*
1954-55 ..... $200,000
1955-56 ..... $200,000

I. *Water Pollution Control Commission.*
1954-55 ..... $43,900
1955-56 ..... $45,300

J. *Kentucky Division-American Society for Control of Cancer.*
1954-55 ..... $45,000
1955-56 ..... $45,000

K. *Vital Statistics.*
1955-56 ..... $25,000

TOTAL—DEPARTMENT OF HEALTH
1954-55 ..... $2,940,300
1955-56 ..... $3,083,900

31. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision,
1954-55 ..... $1,902,500
1955-56 ..... $1,937,200

32. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health.*
1954-55 ..... $4,760,175
1955-56 ..... $4,912,075

TOTAL—II. WELFARE
1954-55 ..... $25,366,325
1955-56 ..... $26,195,375

III. EDUCATION

33. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.* For expenses of the divisions within the department and State Board of Education,
1954-55 ..... $303,450
1955-56 ..... $310,350

B. *Common School Per Capita Fund.* For the payment of monthly salaries of teachers and for no other purposes.
1954-55 ..... $26,212,500
1955-56 ..... $26,212,500

The State Board of Education shall not approve any working budget or salary schedule for a local board of education for the school year 1954-55 and 1955-56 in which the total amount budgeted for teachers' salaries in the school year 1953-54 is not increased by the minimum additional amount of per capita

revenue apportioned to that district over that received in the school year 1953-54 except where there is a decrease in the combined local revenue and equalization funds of that district after the district has levied the maximum ad valorem tax rate permitted by law and, except where the total number of teaching positions in a district has been reduced as a result of mergers of districts or consolidations or discontinuance of schools which have been approved by the State Board of Education. Any such reduction permitted shall be only for the amount of the decrease in the combined local revenue and equalization and/or the total of the salaries of such teaching positions that have been eliminated from the school district. In no case shall any teacher's salary be less than the amount that teacher would have received had there been no consolidation or merger.

In the event any local board of education claims there is a decline in local revenue in that district, the State Board of Education shall certify such claim to the Department of Revenue whose duty it shall be to determine whether or not there is a decline in local revenue of such district and, if so, the amount of such decline in local revenue. The Department of Revenue shall then make its certification to the State Board of Education and said Board shall accept said certification as final.

The above amount includes $138,937.63 for each fiscal year which is interest on State School Bonds, as provided by the State Constitution for the support of common schools.

C. *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1954-55 ---------- $8,573,000
1955-56 ---------- $8,573,000

D. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding $26,625 in 1954-55 and $23,950 in 1955-56 of this appropriation may be used for administration (includes expenses of the State Textbook Commission).

1954-55 ---------- $869,625
1955-56 ---------- $1,023,950

E. *School Lunch Program.*
1954-55 ..... $49,800
1955-56 ..... $50,650

F. *Kentucky School for the Blind.*
1954-55 ..... $189,900
1955-56 ..... $181,700

G. *Kentucky Workshop for Adult Blind.*
1954-55 ..... $21,000
1955-56 ..... $20,500

H. *Mayo State Vocational School.*
1954-55 ..... $166,050
1955-56 ..... $170,750

I. *Northern Kentucky Vocational School.*
1954-55 ..... $65,600
1955-56 ..... $69,250

J. *West Kentucky Vocational School.*
1954-55 ..... $123,150
1955-56 ..... $125,350

K. *Vocational Education—State Program.*
1954-55 ..... $441,500
1955-56 ..... $438,700

L. *Vocational Rehabilitation.*
1954-55 ..... $136,000
1955-56 ..... $146,000

M. *Council on Higher Education.* For participation in the Veterinary training program of the Board of Control for Southern Regional Education,
1954-55 ..... $67,000
1955-56 ..... $65,000

N. *Out of District Children.*
1954-55 ..... $30,000
1955-56 ..... $30,000

O. *Special Education for Handicapped Children.*
1954-55 ..... $17,125
1955-56 ..... $17,475

P. *Veterans' Approval Agency.*
1954-55 ..... $2,000
1955-56 ..... $2,000

TOTAL—DEPARTMENT OF EDUCATION
1954-55 ..... $37,267,700
1955-56 ..... $37,437,175

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34. UNIVERSITY OF KENTUCKY

A. *Division of Colleges.*
1954-55 ..... $3,485,850
1955-56 ..... $3,485,850

B. *Interest on Land Grant Bonds.*
1954-55 ..... $8,700
1955-56 ..... $8,700

C. *Agricultural Experiment Station.*
1954-55 ..... $536,600
1955-56 ..... $536,600

D. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension),
1954-55 ..... $675,350
1955-56 ..... $675,350

TOTAL—UNIVERSITY OF KENTUCKY
1954-55 ..... $4,706,500
1955-56 ..... $4,706,500

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35. EASTERN STATE COLLEGE

A. *Eastern State College.*
1954-55 ..... $625,250
1955-56 ..... $625,250

36. MOREHEAD STATE COLLEGE

A. *Morehead State College.*
1954-55 ..... $472,950
1955-56 ..... $472,950

37. MURRAY STATE COLLEGE

A. *Murray State College.*

1954-55 ..... $616,600
1955-56 ..... $616,600

38. WESTERN STATE COLLEGE

A. *Western State College.*

1954-55 ..... $669,950
1955-56 ..... $669,950

39. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1954-55 ..... $440,000
1955-56 ..... $440,000

40. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710,

1954-55 ..... $2,724,275
1955-56 ..... $697,725

41. SCHOOL FOR THE DEAF

A. *School for the Deaf.*

1954-55 ..... $304,000
1955-56 ..... $315,000

42. LINCOLN INSTITUTE

A. *Lincoln Institute.*

1954-55 ..... $134,600
1955-56 ..... $138,400

TOTAL—III. EDUCATION

1954-55 ..... $47,961,825
1955-56 ..... $46,119,550

IV. AGRICULTURE AND CONSERVATION

43. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*

1954-55 ..... $323,150
1955-56 ..... $331,350

44. STATE FAIR BOARD

A. *Premiums for State Fair.*

1954-55 ..... $100,000
1955-56 ..... $100,000

45. DEPARTMENT OF CONSERVATION

A. *Office of the Commissioner.*

1954-55 ..... $46,495
1955-56 ..... $49,140

B. *Division of Forestry.*

1954-55 ..... $313,895
1955-56 ..... $320,750

C. *Division of Publicity.*

1954-55 ..... $140,850
1955-56 ..... $144,650

D. *Division of Soil and Water Resources.*

1954-55 ..... $80,000
1955-56 ..... $82,000

E. *Division of Flood Control and Water Usage.*

1954-55 ..... $30,300
1955-56 ..... $31,600

F. *Division of State Parks.*

1954-55 ..... $275,000
1955-56 ..... $275,000

G. *Ohio River Valley Water Sanitation Commission.*

1954-55 ..... $27,560
1955-56 ..... $27,560

TOTAL—DEPARTMENT OF CONSERVATION

1954-55 ..... $914,100
1955-56 ..... $930,700

TOTAL—IV. AGRICULTURE AND CONSERVATION

1954-55 ..... $1,337,250
1955-56 ..... $1,362,050

V. OTHER

46. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.* For rental of office space in New Capitol Annex Office Building for agencies supported by the General Fund,

1954-55 ..... $250,000
1955-56 ..... $250,000

TOTAL—V. OTHER
1954-55 ..... $250,000
1955-56 ..... $250,000

GRAND TOTAL
1954-55 ..... $84,600,000
1955-56 ..... $84,000,000

PART TWO

NON-RECURRING COSTS

There is hereby appropriated out of the General Expenditure Fund, including any surplus cash balance to the credit of the General Expenditure Fund as of June 30, 1954, the following sums for the following departments, agencies, boards, commissions and subdivisions of the State Government listed hereinafter, for the following purposes:

I. GENERAL GOVERNMENT

1. STATUTE REVISION COMMISSION

A. *Statute Revision Commission—Printing Revolving Fund.* To be used for printing the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes and supplements to these publications. Reimbursement shall be made to this account from sales of these publications. Any unexpended or unencumbered balance remaining at the end of fiscal

year 1954-55 shall not lapse, but shall be available for expenditure during any following fiscal year,

1954-55 ----------$15,000

together with any funds remaining in the account on June 30, 1954.

2. DEPARTMENT OF FINANCE

A. *Division of Services Revolving Fund.* To be used to purchase and provide stamps and postage, supplies and equipment, building utility services and duplicating services for the various budget units of State Government. Reimbursement shall be made to this account by the various budget units for materials, supplies and utility services furnished and services rendered. This account supersedes and consolidates the Building Services Revolving Fund, Postage Revolving Fund and Central Stores Revolving Fund and all assets and obligations of said Funds as of June 30, 1954, are transferred to and deemed to be appropriated to and assumed by the Division of Services Revolving Fund. Any funds to the credit of this account shall be available for expenditure for any of the purposes specified herein but such accounting practices shall be maintained by the division as will accurately reflect the financial condition of the various functions being performed with the funds in the account. Any unexpended balance remaining at the end of fiscal year 1954-55 shall not lapse, but shall be available for expenditure during any following fiscal year,

1954-55 ----------$40,000

3. AGRICULTURAL & INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Survey.* For matching available Federal Funds for compilation of modern large scale topographic maps of Kentucky. Any unexpended balance at the end of the fiscal year shall be carried over to the second,

1954-55 ----------$200,000, together with any balance to the credit of this account as of June 30, 1954.

II. EDUCATION

1. DEPARTMENT OF EDUCATION

1. STATE PROPERTY & BUILDINGS COMMISSION

A. *Veterans' Approval Agency Revolving Fund.* For payment of administrative expenses in connection with the approval of educational institutions for training and educating veterans for which reimbursement is made by the Federal Government. Any unexpended or unencumbered balance of this appropriation shall not lapse at the end of fiscal year 1954-55, but shall be available for expenditure during the second year of the biennium,

1954-55 ----------$14,000

III. AGRICULTURE & CONSERVATION

1. DEPARTMENT OF CONSERVATION

A. *Division of Forestry.* For capital outlay purposes only,

1954-55 ----------$22,300

IV. OTHER

1. STATE PROPERTY & BUILDINGS COMMISSION

A. *For Capital Outlay.* For expenditure in accordance with the provisions of KRS 56.440 through 56.550. It is further provided that any necessary amount of this appropriation may be spent for administrative and operating expenses. Any unencumbered and any unexpended balance of this appropriation remaining at the end of the fiscal year for which the same is appropriated and such balance of prior capital outlay appropriations remaining on June 30, 1954, shall not lapse but may be expended for capital outlay purposes only thereafter and shall be carried forward until expended for such purposes,

1954-55 ----------$6,708,700

1955-56 ----------$, a sum equal to the balance of appropriations for fiscal year 1954-55 from the General Expenditure Fund that shall lapse in accordance with KRS 45.230.

GRAND TOTAL
1954-55 ----------$7,000,000

PART THREE

STATE ROAD FUND

There is hereby established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all of the revenue realized from fees, taxes and license fees levied for State Road Purposes now authorized by law, or that may hereafter be authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1954, shall constitute the State Road Fund for the fiscal years 1954-55 and 1955-56. There is hereby appropriated from the State Road Fund the following amounts for the following departments, agencies, and sub-divisions of the State Govermnent, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions, and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of

Highways for maintenance, the sum of Five Million (5,000,000) Dollars for each of the fiscal years 1954-55 and 1955-56. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, sub-section 2, paragraph A of Part Three of the Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF TREASURY

A. *Department of Treasury.* For expenses pertaining to treasury administration for the Department of Highways.

1954-55 ---------- $27,500
1955-56 ---------- $27,500

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial and personnel administration for the Department of Highways.

1954-55 ---------- $185,000
1955-56 ---------- $191,400

5. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration, motorist's financial responsibility, and other laws relating to motor vehicles and highways.

1954-55 ---------- $903,000
1955-56 ---------- $924,000

6. DEPARTMENT OF STATE POLICE

A. *Department of State Police.* For expenses of operation of the Department as provided by law.

1954-55 ..... $2,049,300
1955-56 ..... $2,134,200

7. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Program.*

1954-55 ..... $200,000
1955-56 ..... $ 15,000

B. *Water Survey.*

1954-55 ..... $48,000
1955-56 ..... $48,000

8. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation.*

1954-55 ..... $359,100
1955-56 ..... $370,100

9. DEPARTMENT OF CONSERVATION

A. *Department of Conservation, Division of Publicity.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky Highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists.

1954-55 ..... $250,000
1955-56 ..... $250,000

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1954-55 ..... $4,021,900
1955-56 ..... $3,960,200

III. ADMINISTRATION AND EFFECT

All funds appropriated to the Department of Highways by Section I of Part Three of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of

Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year of the State Road Fund ending June 30, 1954.

PART FOUR
REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1955, and for the fiscal year ending June 30, 1956, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below named agencies of the State Government. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government. Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, during the fiscal year ending June 30, 1955, and during the fiscal year ending June 30, 1956, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30 of the then current fiscal year, by the Department of Finance.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1954-55 or fiscal year 1955-56 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Appropriation Act, the excess is hereby appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that said excess shall become available for expenditure for the purposes of the account dur- said year only with the authorization of the Commissioner of Finance and approval of the Governor.

I. GENERAL GOVERNMENT

1. JUDICIARY

A. *Board of Bar Examiners.*

1954-55 ..... $8,150
1955-56 ..... $8,000

2. STATUTE REVISION COMMISSION

A. *Administrative Regulations.*

1954-55 ..... $1,000
1955-56 ..... $1,000

3. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.*

1954-55 ..... $15,700
1955-56 ..... $15,900

4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.* To be used for the purchase of paper to be held in stock until used by the various budget units. Reimbursement shall be made to this account by the budget units for paper used.

5. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.*

1954-55 ..... $1,187
1955-56 ..... $ 500

6. DEPARTMENT OF AERONAUTICS

A. *Commissioner of Aeronautics.*
1954-55 ---------- $3,300
1955-56 ---------- $3,300

B. *Airport Development.*

7. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*
1954-55 ---------- $72,000
1955-56 ---------- $72,000

8. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *General Operations.*
1954-55 ---------- $11,000
1955-56 ---------- $14,000

9. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Kentucky Historical Society.*
1954-55 ---------- $9,700
1955-56 ---------- $8,460

B. *Library Extension.*
1954-55 ---------- $880
1955-56 ---------- $880

10. DEPARTMENT OF BUSINESS REGULATIONS

A. *Board of Accountancy.*
B. *Board of Psychology.*
C. *Board of Examiners and Registration of Architects.*
D. *Board of Barbers and Beauticians Examiners.*
E. *Board of Chiropractic Examiners.*
F. *Board of Dental Examiners.*
G. *Board of Embalmers and Funeral Directors.*
H. *Board of Pharmacy.*
I. *Board of Prophylactic Enforcement.*
J. *Board of Nursing Education and Nurse Registration.*
K. *Board of Veterinary Examiners.*

L. *Board of Registration for Professional Engineers.*
M. *Kentucky Real Estate Commission.*
N. *Board of Optometric Examiners.*
O. *Board of Chiropody.*

11. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.*

12. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*
1954-55 ----------$51,350
1955-56 ----------$39,750

13. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expense.*
1954-55 ----------$6,000
1955-56 ----------$6,000

14. DEPARTMENT OF BANKING

A. *Department of Banking.*

15. COUNTY FEES

A. *Jefferson County Master Commissioner.*
B. *Jefferson County Receiver.*
C. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five (25%) of said fees as may be required by KRS 64.350.

D. *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

E. *Fayette County Fees.* For paying various officials of Fayette County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

F. *Campbell County Fees.* For paying various officials of Campbell County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

G. *Pike County Fees.* For paying various officials of Pike County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

16. TRUCK LICENSES—COUNTY SHARE

A. *Truck Licenses—County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

17. DEPARTMENT OF INSURANCE

A. *Fire Prevention.* All fees, receipts, collections and assessments paid to the State Treasury during the calendar years 1954 and 1955, under KRS 136.360, and also an amount equal to twenty five percent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of sub-sections 1 through 10 except 9 of KRS 304.460,

are hereby appropriated to the Fire Prevention and Rates Section for the fiscal years ending June 30, 1955, and June 30, 1956, respectively.

B. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

C. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035.

D. *Liquefied Petroleum.* All fees paid pursuant to the provisions of KRS 234.030.

E. *Examination of Insurance Agents.* All fees paid pursuant to KRS 304.460 (9).

18. PUBLIC SERVICE COMMISSION

A. *Public Service Commission.* The fees collected subject to the provisions of KRS 278.130 to 278.150.

II. WELFARE

1. DEPARTMENT OF WELFARE

A. *Kentucky Training Home.*
1954-55 ---------- $20,620
1955-56 ---------- $13,220

B. *Penal Institutions.*
1954-55 ---------- $113,686
1955-56 ---------- $109,422

C. *Kentucky Children's Bureau.*
1954-55 ---------- $262,143
1955-56 ---------- $261,770

D. *Metal Stamping Plant.*
1954-55 ---------- $172,000
1955-56 ---------- $172,000

E. *Dairy Feed Project.*
1954-55 ---------- $153,000
1955-56 ---------- $160,000

F. *Soap Factory.*
1954-55 ---------- $50,000
1955-56 ---------- $75,000

2. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security.*
1954-55 ---------- $29,694,600
1955-56 ---------- $30,672,300

3. DEPARTMENT OF HEALTH

A. *General Operations and County Health.*
1954-55 ---------- $1,144,725
1955-56 ---------- $1,095,875

B. *Kentucky Crippled Children's Commission.*
1954-55 ---------- $367,400
1955-56 ---------- $367,400

4. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.*
1954-55 ---------- $187,500
1955-56 ---------- $187,500

5. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health.*
1954-55 ---------- $414,070
1955-56 ---------- $415,070

III. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.*
1954-55 ---------- $21,000
1955-56 ---------- $21,000

B. *School Lunch Program.*
1954-55 ---------- $1,951,235
1955-56 ---------- $1,951,235

C. *Kentucky School for the Blind.*
1954-55 ---------- $1,200
1955-56 ---------- $1,200

D. *Kentucky Workshop for Adult Blind.*
1954-55 ---------- $110,000
1955-56 ---------- $110,000

E. *Mayo State Vocational School.*
1954-55 ----------$44,100
1955-56 ----------$40,700

F. *Northern Kentucky Vocational School.*
1954-55 ----------$5,300
1955-56 ----------$5,350

G. *West Kentucky Vocational School.*
1954-55 ----------$27,348
1955-56 ----------$26,450

H. *Vocational Education—State Program.*
1954-55 ----------$680,800
1955-56 ----------$680,800

I. *Vocational Education—Veterans' Program.*
1954-55 ----------$1,039,255
1955-56 ----------$1,040,485

J. *Vocational Rehabilitation.*
1954-55 ----------$180,280
1955-56 ----------$193,525

K. *Special Education for Handicapped Children.*
1954-55 ----------$9,900
1955-56 ----------$8,900

L. *Business Enterprise Program.*
1954-55 ----------$7,500
1955-56 ----------$6,800

M. *Veterans' Approval Agency.*
1954-55 ----------$63,730
1955-56 ----------$65,100

N. *Surplus Property.*
1954-55 ----------$56,675
1955-56 ----------$57,700

O. *Jeannes Fund.*
1954-55 ----------$720
1955-56 ----------$720

2. UNIVERSITY OF KENTUCKY

A. *University of Kentucky.*

1954-55 ..... $3,765,000
1955-56 ..... $3,765,000

3. EASTERN STATE COLLEGE

A. *Eastern State College.*

1954-55 ..... $403,800
1955-56 ..... $398,800

4. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

1954-55 ..... $382,975
1955-56 ..... $382,975

5. MURRAY STATE COLLEGE

A. *Murray State College.*

1954-55 ..... $503,170
1955-56 ..... $499,170

6. WESTERN STATE COLLEGE

A. *Western State College.*

1954-55 ..... $277,060
1955-56 ..... $276,250

7. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1954-55 ..... $167,300
1955-56 ..... $167,300

8. KENTUCKY SCHOOL FOR THE DEAF

A. *Kentucky School for the Deaf.*

1954-55 ..... $3,000
1955-56 ..... $2,000

9. LINCOLN INSTITUTE

A. *Lincoln Institute.*

1954-55 ..... $82,650
1955-56 ..... $82,650

IV. AGRICULTURE AND CONSERVATION

1. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*
1954-55 ----------$37,000
1955-56 ----------$34,000

2. STATE FAIR BOARD

A. *State Fair Board.*
1954-55 ----------$305,000
1955-56 ----------$305,000

3. DEPARTMENT OF CONSERVATION

A. *Division of Forestry.*
1954-55 ----------$215,048
1955-56 ----------$209,848

B. *Division of Publicity.*
1954-55 ----------$12,000
1955-56 ----------$12,000

C. *Division of Parks.*
1954-55 ----------$1,890,000
1955-56 ----------$1,947,330

D. *Division of Soil and Water Resources.*

4. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

A. *Department of Fish and Wildlife Resources.*

5. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission.*
1954-55 ----------$15,000
1955-56 ----------$16,500

V. OTHER

1. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.*

PART FIVE

GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1954, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purposes for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Parts I and II in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of

Finance, in the manner set forth and as provided by general law, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made in Parts I and II to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1954-55 exceed the sum of Ninety One Million Six Hundred Thousand Dollars ($91,600,000) such excess, but not to exceed Three Million Dollars ($3,000,000) is hereby appropriated to the Governor's Special Emergency Fund to be used by him for the fiscal year 1955-56 for supplementing existing appropriations for ordinary recurring and extraordinary governmental expenses deemed emergencies by the Governor and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of all or any part of said fund.

4. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each sub-section thereof, as a separate and/or specific appropriation and law, and if any section or any sub-section thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, sub-sections, or provisions contained herein.

5. All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed by this Act, except as provided by Chapters 12, 42, and 45 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 21. AN ACT relating to income taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue.

(2) "Department" means the Department of Revenue.

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 1954.

(4) "Dependent" means those persons defined as dependents under Section 25 (b) (3) of the Internal Revenue Code.

(5) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person, estate or trust.

(6) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(7) "Individual" means a natural person.

(8) "Federal income tax" means income tax paid or accrued to the United States Government on income subject to assessment and taxation under the provisions of this chapter.

(9) "Net income," in the case of taxpayers other than corporations, means the same as net income defined under Section 21 of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Ignore the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof.

(f) Include refunds of Federal income tax; provided the standard deduction set forth in Section 23 (aa) (1) of the Internal Revenue Code shall not be considered in determining net income.

If the taxpayer elects to deduct the standard deduction set forth in KRS 141.081, then "net income" means adjusted gross income less the standard deduction.

(10) "Net income," in the case of corporations, means the same as net income defined under Section 21 of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Include Federal income tax refunds.

(d) Include interest income derived from obligations of sister states and political subdivisions thereof.

(e) Ignore state taxes measured by net income.

(f) Ignore the "net operating loss deduction."

(11) "Taxable net income," in the case of corporations, means "net income" derived from business done, property located, activities or sources in this state less "Federal income tax."

(12) "Adjusted gross income" means the same as adjusted gross income defined in Section 22 (n) of the Internal Revenue Code less "Federal income tax."

(13) "Person" means and includes an individual, a fiduciary, a partnership, an employer, an employe and a corporation.

(14) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made.

(15) "Net operating loss deduction" means the deduction allowed under Section 23 (s) of the Internal Revenue Code.

(16) "Resident" means any individual domiciled within this state.

(17) "Nonresident" means any individual not a resident of this state.

(18) "Employer" means "employer" as defined in Section 1621 (d) of the Internal Revenue Code.

(19) "Employe" means "employe" as defined in Section 1621 (c) of the Internal Revenue Code.

(20) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

(21) "Wages" means "wages" as defined in Section 1621 (a) of the Internal Revenue Code.

(22) "Payroll period" means a period for which a payment of wages is ordinarily made to the employe by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semi-monthly, quarterly, semiannual, or annual payroll period.

(23) "Head of a household" means "head of a household" as defined in Section 12 (c) (3) of the Internal Revenue Code.

(24) "Corporations" includes associations and joint stock companies.

(25) "Gross income" means "gross income" as defined in Section 22 of the Internal Revenue Code.

Section 2. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five per cent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(2) An annual tax shall be paid for each taxable year at the rates specified in subsection (1) of this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(3) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the tax imposed by KRS 141.025 in lieu of the tax levied under this section.

Section 3. Section 141.025 of the Kentucky Revised Statutes is amended to read as follows:

With respect to taxable years beginning after December 31, 1953, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed eight thousand dollars may elect to pay the tax as shown in the following tables less the tax credits authorized by KRS 141.060:

OPTIONAL TAX TABLE

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
$ 0	$ 50	$ .45
50	100	1.35
100	150	2.25
150	200	3.15
200	250	4.05
250	300	4.95
300	350	5.85
350	400	6.75
400	450	7.65
450	500	8.55
500	550	9.45
550	600	10.35
600	650	11.25
650	700	12.15
700	750	13.05
750	800	13.95
800	850	14.85
850	900	15.75
900	950	16.65
950	1,000	17.55
1,000	1,050	18.45
1,050	1,100	19.35
1,100	1,150	20.25
1,150	1,200	21.15
1,200	1,250	22.05

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
1,250	1,300	22.95
1,300	1,350	23.85
1,350	1,400	24.75
1,400	1,450	25.65
1,450	1,500	26.55
1,500	1,550	27.45
1,550	1,600	28.35
1,600	1,650	29.25
1,650	1,700	30.15
1,700	1,750	31.05
1,750	1,800	31.95
1,800	1,850	32.85
1,850	1,900	33.75
1,900	1,950	34.65
1,950	2,000	35.55
2,000	2,050	36.45
2,050	2,100	37.35
2,100	2,150	38.25
2,150	2,200	39.15
2,200	2,250	40.05
2,250	2,300	40.95
2,300	2,350	41.85
2,350	2,400	42.75
2,400	2,450	43.65
2,450	2,500	44.55
2,500	2,550	45.45
2,550	2,600	46.35
2,600	2,650	47.25
2,650	2,700	48.15
2,700	2,750	49.05
2,750	2,800	49.95
2,800	2,850	50.85
2,850	2,900	51.75
2,900	2,950	52.65

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
2,950	3,000	53.55
3,000	3,050	54.45
3,050	3,100	55.35
3,100	3,150	56.25
3,150	3,200	57.15
3,200	3,250	58.05
3,250	3,300	58.95
3,300	3,350	59.85
3,350	3,400	61.13
3,400	3,450	62.48
3,450	3,500	63.83
3,500	3,550	65.18
3,550	3,600	66.53
3,600	3,650	67.88
3,650	3,700	69.23
3,700	3,750	70.58
3,750	3,800	71.93
3,800	3,850	73.28
3,850	3,900	74.63
3,900	3,950	75.98
3,950	4,000	77.33
4,000	4,050	78.68
4,050	4,100	80.03
4,100	4,150	81.38
4,150	4,200	82.72
4,200	4,250	84.08
4,250	4,300	85.43
4,300	4,350	86.78
4,350	4,400	88.13
4,400	4,450	89.48
4,450	4,500	91.10
4,500	4,550	92.90
4,550	4,600	94.70
4,600	4,650	96.50

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
4,650	4,700	98.30
4,700	4,750	100.10
4,750	4,800	101.90
4,800	4,850	103.70
4,850	4,900	105.50
4,900	4,950	107.30
4,950	5,000	109.10
5,000	8,000	110.00 plus 5% of excess of $5,000

Section 4. Section 141.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The tax imposed by KRS 141.020 upon individuals shall apply to estates and trusts and to all fiduciaries. This tax shall be paid annually upon the net income of estates and of any property held in trust at the rates specified in KRS 141.020.

(2) The fiduciary shall be responsible for making the return of income for the person for whom he acts, whether the income is taxable to the fiduciary or to the beneficiaries of the income.

Section 5. Section 141.040 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and like corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the department upon the taxable net income of

the corporation. This tax shall be at the rate of four and one-half percent of the taxable net income of the corporation determined as provided in this chapter.

Section 6. Section 141.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall prescribe forms substantially identical with those utilized by the Federal Government except to the extent required by differences between this chapter and its application and the Federal income tax law and its application. The department shall apply as far as practicable the administrative and judicial interpretations of the Federal income tax law. Computations of income for purposes of this chapter shall be as nearly as practicable identical with the calculations required for Federal income tax purposes.

(2) Every person subject to the provisions of this chapter shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the department from time to time may prescribe. Whenever the department judges it necessary, it may require such person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the department deems sufficient to show whether or not such person is liable to tax, and the extent of such liability.

(3) The commissioner or his authorized agent or representative, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any taxpayers, may require the attendance of the taxpayer or of any other person having knowledge in the premises.

(4) The department shall prescribe the forms and reports necessary to the proper administration of any and all provisions of this chapter, and shall promulgate such rules and regulations necessary to effectively carry out the provisions of this chapter.

Section 7. Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due, as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025, shall be credited with the following amounts:

(a) Twenty dollars in the case of an unmarried individual.

(b) Forty dollars in the case of a married individual or in the case of a head of a household. If such husband and wife make separate returns, the tax credit allowed by this subparagraph may be taken by either or divided between them. The determination of the marital status for purposes of the credits allowed under this section shall be made in the manner prescribed in Section 25 (b) (2) of the Internal Revenue Code.

(c) Ten dollars for each dependent other than the first dependent of a head of a household.

(d) An additional ten dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year.

(e) An additional ten dollars credit if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year and a joint return is filed.

(f) An additional ten dollars credit if the taxpayer is blind at the close of the taxable year.

(g) An additional ten dollars credit if the taxpayer's spouse is blind at the close of the taxable year and a joint return is filed.

(2) In the case of nonresidents, the tax credits allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income.

(3) In the case of a fiduciary, other than an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with two dollars.

(4) In the case of an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with twelve dollars.

Section 8. Section 141.081 of the Kentucky Revised Statutes is amended to read as follows:

(1) An individual, at his election, may deduct from his adjusted gross income a standard deduction as follows:

(a) If his adjusted gross income is eight thousand dollars or more, the standard deduction shall be five hundred dollars;

(b) If his adjusted gross income is less than eight thousand dollars, the standard deduction shall be the amount as allowed by the application of the optional tax table contained in KRS 141.025.

(2) The standard deduction provided for in this section shall be in lieu of all deductions and shall not be allowed in the case of a taxable year of less than twelve months on account of a change in the accounting period or in the case of a fiduciary.

Section 9. Section 141.082 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the adjusted gross income shown on the return is eight thousand dollars or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the department shall, by regulation, prescribe the manner of signifying such election in the return.

(2) If the adjusted gross income shown on the return is less than eight thousand dollars, the standard deduction shall be allowed only if the taxpayer elects in the manner prescribed in KRS 141.025 to pay the tax imposed by that section.

(3) If the taxpayer does not signify, in the manner prescribed by subsections (1) or (2) of this section, his election to take the standard deduction, it shall not be allowed.

(4) If the adjusted gross income shown on the return is eight thousand dollars or more, but the correct adjusted gross income is less than eight thousand dollars, then an election by

the taxpayer under subsection (1) of this section to take the standard deduction shall be considered as an election to pay the tax imposed by KRS 141.025; and his failure to make, under subsection (1) of this section, an election to take the standard deduction shall be considered his election not to pay the tax imposed by KRS 141.025. If the adjusted gross income shown on the return is less than eight thousand dollars but the correct adjusted gross income is eight thousand dollars or more, then an election by the taxpayer under subsection (2) of this section to pay the tax imposed by KRS 141.025 shall be considered as his election to take the standard deduction; and his failure to elect, under subsection (2) of this section, to pay the tax imposed by KRS 141.025 shall be considered his election not to take the standard deduction.

(5) In the case of a husband and wife living together, the standard deduction provided for in KRS 141.081 shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. The determination of the marital status shall be made in the manner prescribed in Section 25 (b) (2) of the Internal Revenue Code.

Section 10. Section 141.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Taxable net income" of corporations shall be determined as provided in the following subsections of this section.

(2) The taxpayer shall show on its return the amount of net income for the taxable year.

(3) There shall be deducted from the net income for the taxable year the net amounts of income received from the ownership, holding, use, or sale of property not held, owned or used in the ordinary and regular course of the corporation's business. These amounts shall be allocated within and without Kentucky, as follows:

(a) If the property giving rise to such income, or portion thereof, is tangible property having a situs in Kentucky, the income therefrom shall be allocated to Kentucky;

(b) If the corporation's commercial domicile is maintained in Kentucky and the property giving rise to such income,

or portion thereof, is intangible property, all of the income therefrom shall be allocated to Kentucky, except the income from intangible property having a business situs outside of Kentucky;

(c) If the corporation's commercial domicile is maintained outside of Kentucky, any income resulting from intangible property having a business situs in Kentucky shall be allocated to Kentucky.

(4) The remainder of the net income shall be known as net business income and shall be allocated and apportioned as hereinafter provided. If the trade or business is carried on entirely within this state, the entire net business income shall be allocated to Kentucky. If the trade or business is carried on partly within and partly without this state, separate accounting shall be deemed impracticable and prohibited unless the department determines prior to filing that the actual amount of net business income attributable to Kentucky is determinable by separate accounting; the net business income allocable to Kentucky shall be determined as follows:

(a) Where income is derived from business other than the manufacture and sale of tangible personal property or the conduct of a public utility, the income shall be specifically allocated or equitably apportioned within and without this state under rules and regulations of the department;

(b) Where income is derived from the manufacture or sale of tangible personal property, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property, the payroll and business within this state bears to the value of the total tangible property, total payroll, and total business, the percentage of tangible property, of payroll, and of business, being separately determined as hereinafter provided, and the three percentages averaged;

(c) "Total payroll", as used in this section, includes the expenditures of the corporation for wages, salaries, commissions, or other compensation to its employes, and all the payroll shall be assigned to this Commonwealth which

is paid to employes chiefly situated at, connected with, or sent out from premises in this Commonwealth that are used by the corporation in connection with the transacting of business;

(d) The value of the tangible property shall be taken to be the average value of the tangible property owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or separately allocable under the provisions of this chapter;

(e) The business of the corporation shall be measured by the amount of all receipts during the year from sales and other sources connected with the business, excluding receipts separately allocated as above provided. Accounts receivable from sales and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrual basis;

(f) Receipts from sales and other sources shall be assigned only to the office, agency or place of business of the corporation at which the transactions giving rise to the receipts are chiefly negotiated.

(5) If a corporation does not have all of the factors present in its total business operations, an average of the factors present shall be used in determining the percentage of the business done in Kentucky.

(6) For the purpose of this section "sale" shall include exchange, and "manufacture" shall include the extraction and recovery of natural resources and all processes of fabricating and curing.

(7) Where net business income is derived from the conduct of a public utility, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property, the payroll, and business within this state bears to the value of the total tangible property, total payroll and total business, the percentage of tangible property and of business being

separately determined as hereinafter provided and the percentage of payroll being determined as provided in paragraph (c) of subsection (4) of this section and the three percentages averaged.

(a) For the purpose of the foregoing computation, the value of the tangible property shall be taken to be the average value of the tangible property held and owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or is separately allocable under the foregoing provisions of this chapter.

(b) In determining the tangible property located within this state of a railroad company operating both within and without this state, the valuation of car rolling stock and equipment and locomotive rolling stock and equipment within this state shall be found by applying to the total valuation of the entire rolling stock and equipment of each respective class belonging to the company that proportion which the car mileage within this state during the income year bears to the total car mileage of the company's cars, and which the locomotive mileage within this state during the income year bears to the total locomotive mileage of the company's locomotives, used in the conduct of its business both within and without this state for that year.

(c) The business of the public utility shall be measured by the amount of receipts from the carrying on of the business. Receipts in this state shall include, in addition to all receipts from business commencing and terminating within this state, such portion of receipts from all interstate business passing through or into or out of this state as is determined by applying to gross receipts from all business of transportation and communication enterprises that percentage which the mileage within this state over which such business was carried bears to the entire mileage over which it was carried. Accounts receivable from services rendered and other sources arising from business during

the year shall be included in the formula if the corporation's return is made on the accrual basis.

(d) The department shall prescribe methods of allocating receipts of other utilities.

(8) Inventories in transit and construction in process shall not be considered in determining the total value of tangible property or the value of Kentucky tangible property.

(9) In the event that the formula for allocating income prescribed herein, as applied in a particular case, reaches an unconstitutional result, or the department determines that said formula, as applied in a particular case, fails to allocate to Kentucky a fair and reasonable portion of the business income, the department shall prescribe a formula which allocates to Kentucky a fair and reasonable portion of the business income.

(10) The income allocated to Kentucky under subsection (3) of this section shall be combined with the net business income allocated to Kentucky and there shall be deducted therefrom the proportionate part of Federal income tax attributable to income allocated to Kentucky. The resulting amount shall be deemed the "taxable net income."

Section 11. Section 141.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the taxpayer makes, or is required to make, a Federal income tax return, his income shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the Federal Government, and he shall employ the same methods of accounting required for Federal income tax purposes.

(2) If a return is made by an individual for a period of less than one year, the net income, computed on the basis of the period for which a separate return is made, shall be placed on an annual basis by multiplying the amount thereof by the number of days in the year and dividing by the number of days included in the period for which the separate return is made. The tax payable shall be such part of the tax computed on the annual basis as the number of days in the period is of the number of days in the year.

Section 12. Section 141.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every corporation subject to the jurisdiction of this state, unless excused by the department, shall render a correct report, duly verified under oath, of its payments of dividends to residents of this state, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him.

(2) Every person subject to the jurisdiction of this state, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries and employers, making payment to another person, domiciled in this state, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income of six hundred dollars or more in any taxable year, shall render a true and accurate report to the department of the payments made. In the case of such payments made by the state and its political subdivisions, the officers or employes having information as to such payments designated by the department by the regulations hereinafter provided for shall make such reports. The reports shall be made under the regulations and in the form and manner and to the extent prescribed by the department, shall set forth the amount of the gains, profits and income, and the name and address of the recipient of the payments. The department may also require any person to make information reports respecting nonresidents it believes to be subject to income tax.

(3) The reports contemplated by this section may be required, regardless of amounts, in the case of payments of dividends or interest upon bonds, mortgages, deeds of trust or other similar obligations of corporations. When necessary to make effective the provisions of this section the name and address of the recipient of the income shall be furnished upon demand of the person paying the income. The provisions of this section shall not apply to the payment of interest on obligations of the United States or of this state, or the political subdivisions thereof.

Section 13. Section 141.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) All returns of income for the preceding taxable year shall be made by April 15 in each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns of income shall be supplied by the department.

(2) Whenever, in the opinion of the department, it is necessary to examine the Federal income tax return or a copy thereof of any taxpayer in order to audit his return, the department may compel the taxpayer to produce for inspection a copy of his Federal return and all statements and schedules in support thereof. The department may also require copies of reports of adjustments made by the Federal Government.

Section 14. Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department:

(a) Every individual having a gross income for the taxable year of $600 or over;

(b) Every estate the gross income of which for the taxable year is $600 or over;

(c) Every trust the gross income of which for the taxable year is $100 or over.

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 15. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.205 and to read as follows:

(1) The department shall permit or require any parent corporation or subsidiary corporation doing business within this state to file a consolidated return covering the entire operations of the parent corporation and its subsidiaries, whenever it finds that the inter-corporate transactions of the related group tend to reduce the net income of the corporation, or corporations, doing business within this state below the amount that would probably result if such corporation, or corporations, was not a member of the related group.

(2) The department is authorized and empowered, in such manner as it may determine, to assess the tax against any of the corporations whose net income is involved in the consolidated return upon the basis of the combined net income and such other information as it may possess, or it may adjust the tax in such other manner as it shall determine necessary to prevent avoidance of taxes or to clearly reflect the net income earned by such corporation or corporations from property located and business done within this state.

(3) Any corporation owning or controlling either directly or indirectly ninety percent or more of the voting stock of another corporation shall be deemed a parent corporation for purposes of this section. Any corporation having a parent corporation shall be deemed a subsidiary corporation for purposes of this section. Corporations having a common parent shall be considered members of a related group.

(4) If the consolidated return required under this section is not filed within sixty days after demand by the department, said parent corporation or subsidiary corporation or both, shall be subject to the penalty provided in this chapter for failure to file returns.

(5) In the case of a corporation doing business in this state and not permitted or required to file a consolidated return under subsection (1) of this section that carries on transactions with stockholders, directly or indirectly, the department shall adjust the net income of such corporation to an amount that would result if such transactions were carried on at arm's length.

Section 16. Section 141.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) As soon as practicable after each return is received, the department shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time and in the case of a return wherein the taxpayer omits from net income an amount properly includable therein which is in excess of twenty-five percent of the amount of net income stated in the return the excess may be assessed at any time within six years after the return was filed; provided, however, that if any excess is assessed on account of any income which has been returned for taxation by any other taxpayer, the department, with the consent of such other taxpayer, his personal representatives or heirs, shall reduce the amount of the excess assessed for each year by the amount of the income tax paid for that year by such other taxpayer on account of the income in question. A notice of such assessment shall be mailed to the taxpayer. The time herein provided may be extended by agreement between the taxpayer and the department.

(2) For the purpose of subsection (1) of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Section 17. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.206 and to read as follows:

(1) Every partnership owning property or engaging in business in Kentucky, shall, on or before the fifteenth day of the fourth month following the close of its annual accounting period, file a report or return on such form as may be prescribed and furnished by the department.

(2) Individuals carrying on a business in partnership shall be liable for income tax only in their individual capacities, and

no income tax shall be assessed upon the net income of any partnership.

Section 18. Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

The full amount of the unpaid tax payable by any taxpayer, as appears from the face of the return, shall be paid to the department at the time fixed for filing returns.

Section 19. Section 141.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(2) Any tax collected after January 1, 1954, pursuant to the provisions of KRS Chapter 141, may be refunded in the manner provided in KRS 134.580, provided that claim of refund is made within three years from the date the money is paid into the State Treasury.

(3) Overpayments of taxes collected pursuant to KRS 141.310 and KRS 141.315 shall be refunded with interest at six percent per annum. This interest shall not begin to accrue until ninety days after the overpayment is made, the return is filed, or the due date of the return, whichever is later.

(4) Exclusive authority to refund overpayments of taxes collected pursuant to this chapter is vested in the commissioner or his authorized agent. Amounts directed to be refunded shall be paid out of the General Fund.

Section 20. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.300 and to read as follows:

(1) Every individual shall, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax for the taxable year if his gross income from sources other

than wages can reasonably be expected to exceed $1000 for the taxable year and his gross income to be $1500 or more.

(2) In the declaration required under subsection (1) the individual shall state:

(a) The amount which he estimates as the amount of tax under KRS 141.020 for the taxable year;

(b) The amount which he estimates as the credits for the taxable year under KRS 141.310 and KRS 141.315;

(c) The excess of the amount estimated under subparagraph (a) over the amount estimated under subparagraph (b), which excess for purposes of this chapter shall be considered the estimated tax for the taxable year;

(d) Such other information as may be prescribed in regulations promulgated by the department.

(3) The declaration required under subsection (1) of this section shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) of this section are first met.

(a) After April 1 and before July 2 of the taxable year, the declaration shall be filed on or before July 15 of the taxable year; or

(b) After July 1 and before November 2 of the taxable year, the declaration shall be filed on or before November 15 of the taxable year; or

(c) After November 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year,

provided, that the declaration required to be filed during 1954 may be filed not later than November 15, 1954, if hte requirements of subsection (1) of this section are fulfilled at any time prior to November 2, 1954.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of this section, under regulations prescribed by the department.

(5) If on or before February 15 of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department,

(a) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such February 15, such return shall, for the purposes of this section, be considered as such declaration; and

(b) If the tax shown on the return, reduced by the credits under KRS 141.350, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (4) of this section to be filed on or before such February 15.

(6) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) For the purposes of KRS 131.190, a declaration of estimated tax shall be held and considered a return of income under this chapter.

Section 21. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.305 and to read as follows:

(1) The estimated tax provided for in Section 20 of this Act shall be paid as follows:

(a) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second and third on July 15 and November 15, respectively, of the taxable year.

(b) If the declaration is filed after April 15 and not after July 15 of the taxable year and is not required by subsection (3) of KRS 141.300 to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration and the second on November 15 of the taxable year.

(c) If the declaration is filed after July 15 and not after November 15 of the taxable year and is not required by subsection (3) of KRS 141.300 to be filed on or before July 15 of the taxable year, the estimated tax shall be paid at the time of the filing of the declaration.

(d) If the declaration is filed after November 15 of the taxable year, and is not required by subsection (3) of KRS 141.300 to be filed on or before November 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(e) If the declaration is filed after the time prescribed in KRS 141.300, including cases where extensions of time have been granted, paragraphs (b), (c), and (d) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in subsection (3)

of KRS 141.300, and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

Provided, that payments required under this section for purposes of the taxable year 1954 shall be limited to fifty percent of the total estimated tax for 1954.

(2) If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment, and if any amendment is made after November 15 of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(3) At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(4) Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the tax for the taxable year. Assessment in respect of the estimated tax shall be limited to the amount paid.

(5) In the case of an individual whose estimated gross income from farming for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year, in lieu of the time prescribed in subsection (3) of KRS 141.300, the declaration for the taxable year may be made at any time on or before February 15 of the succeeding taxable year; and if such an individual files a return on or before February 28 of the succeeding taxable year, and pays in full the amount computed on the return as payable, such return shall have the same effect as that prescribed in subsection (5) of KRS 141.300 in the case of a return filed on or before February 15.

(6) The application of this section, KRS 141.300, and subsections (8) and (9) of KRS 141.990, to taxable years of less than

twelve months shall be as prescribed in regulations promulgated by the department.

(7) In the application of this section and KRS 141.300 to taxpayers reporting income on a fiscal year basis, there shall be substituted for the dates specified therein, the months corresponding thereto.

Section 22. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.310 and to read as follows:

(1) Every employer making payment of wages on or after July 1, 1954, shall deduct and withhold upon such wages a tax determined in accordance with the tables set forth in KRS 141.360 or KRS 141.315, as the case may be.

(2) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days, including Sundays and holidays, equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days, including Sundays and holidays, which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(5) The tables mentioned in subsection (1) take into consideration Federal income taxes levied at the effective rates

for taxable years beginning on or after January 1, 1954. If Congress changes substantially the effective rates, the department shall make such change in these tables as necessary to compensate for any increase or decrease in the effective Federal income tax rates.

(6) The department may, by regulations, authorize employers:

(a) to estimate the wages which will be paid to any employe in any quarter of the calendar year;

(b) to determine the amount to be deducted and withheld upon each payment of wages to such employe during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(c) to deduct and withhold upon any payment of wages to such employe during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employe during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employe was quarterly.

(7) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and KRS 141.315 in cases in which the employer and the employe agree to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.

Section 23. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.315 and to read as follows:

If payment of wages is made to an employe by an employer—

(1) With respect to a payroll period or other period, any part of which is included in a payroll period or other period

with respect to which wages are also paid to such employe by such employer, or

(2) Without regard to any payroll period or other period, but on or prior to the expiration of a payroll period or other period with respect to which wages are also paid to such employe by such employer; or

(3) With respect to a period beginning in one and ending in another calendar year; or

(4) Through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays, the wages payable by another employer to such employe, the manner of withholding and the amount to be deducted and withheld under KRS 141.310 shall be determined in accordance with regulations promulgated by the department under which the withholding exemption allowed to the employe in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

Section 24. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.320 and to read as follows:

If the remuneration paid by an employer to an employe for services performed during one-half or more of any payroll period of not more than thirty-one consecutive days constitutes wages, all the remuneration paid by such employer to such employe for such period shall be deemed to be wages; but if the remuneration paid by an employer to an employe for services performed during more than one-half of any such payroll period does not constitute wages, then none of the remuneration paid by such employer to such employe for such period shall be deemed to be wages.

Section 25. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.325 and to read as follows:

(1) An employe receiving wages shall on any day be entitled to the following withholding exemptions:

(a) One exemption for himself;

(b) One additional exemption if the employe is the head of a household;

(c) One additional exemption for each dependent of a married individual living with spouse or a head of a household, other than the first dependent of a head of a household;

(d) If the employe is married, the exemption to which his spouse is entitled, or would be entitled if such spouse were an employe, under subparagraph (a) of this subsection, but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption.

(2) Every employe shall, on or before July 1, 1954, or before the date of commencement of employment, whichever is later, furnish his employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which in no event shall exceed the number to which he is entitled.

(3) Withholding exemption certificates shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished; provided, that certificates furnished before July 1, 1954, shall be considered as furnished on that date.

(4) A withholding exemption certificate which takes effect under this section shall continue in effect with respect to the employer until another such certificate takes effect under this section. If a withholding exemption certificate is furnished to take the place of an existing certificate, the employer, at his option, may continue the old certificate in force with respect to all wages paid on or before the first status determination date, January 1 or July 1, which occurs at least thirty days after the date on which such new certificate is furnished.

(5) If, on any day during the calendar year, the number of withholding exemptions to which the employe may reasonably be expected to be entitled at the beginning of his next taxable year is different from the number to which the employe is entitled on such day, the employe shall in such cases and at such times as the department may prescribe, furnish the employer with a withholding exemption certificate relating to the number of exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he may reasonably be expected to be so entitled. Exemption certificates issued pursuant to this subsection shall not take effect with respect to any payment of wages made in the calendar year in which the certificate is furnished.

(6) If, on any day during the calendar year, the number of withholding exemptions to which the employe is entitled is less than the number of withholding exemptions claimed by the employe on the withholding exemption certificate then in effect with respect to him, the employe shall, within ten days thereafter, furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employe then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employe is entitled is greater than the number of withholding exemptions claimed, the employe may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employe then claims, which shall in no event exceed the number to which he is entitled on such day.

(7) Withholding exemption certificates shall be in such form and contain such information as the department may by regulations prescribe.

Section 26. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.330 and to read as follows:

(1) Every employer required to deduct and withhold tax under KRS 141.310 and KRS 141.315 shall, for the quarterly

period beginning July 1, 1954, and for each quarterly period thereafter, on or before the last day of the month following the close of each quarterly period make return and pay over to the department the tax required to be withheld under KRS 141.310 and KRS 141.315.

(2) If the department, in any case, has reason to believe that the collection of the tax provided for in subsection (1) of this section is in jeopardy, it may require the employer to make such return and pay such tax at any time.

(3) Every employer, who fails to withhold or pay to the department any sums required by this chapter to be withheld and paid, shall be personally and individually liable therefor to the Commonwealth; and any sum or sums withheld in accordance with the provisions of KRS 141.310 and KRS 141.315 shall be deemed to be held in trust for the Commonwealth.

(4) Actions for the recovery from an employer of sums required to be withheld in accordance with KRS 141.310 and KRS 141.315 shall be governed by the provisions of KRS Chapter 135. Any such action shall be brought within three years after the due date of the return required by subsection (1) of this section.

(5) The Commonwealth shall have a lien upon all the property of any employer who fails to withhold or pay over to the department sums required to be withheld under KRS 141.310 and KRS 141.315. If the employer withholds but fails to pay the amounts withheld to the department, the lien shall accrue as of the date the amounts withheld were required to be paid to the department. If the employer fails to withhold, the lien shall accrue at the time the liability of the employer becomes fixed.

Section 27. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.335 and to read as follows:

(1) Every person required to deduct and withhold from an employe a tax under KRS 141.310 or KRS 141.315, or who would have been required to deduct and withhold a tax under KRS 141.310 or KRS 141.315 if the employe had claimed no more than one withholding exemption, shall furnish to each such employe in respect of the remuneration paid by such person to such employe during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following: (a) the name of such person; (b) the name of the employe and his social security account number; (c) the total amount of wages as defined in KRS 141.010; (d) the total amount deducted and withheld as tax under KRS 141.310 and KRS 141.315.

(2) The statement required to be furnished by this section in respect of any wages shall be furnished at such other times, shall contain such other information, and shall be in such form as the department may by regulations prescribe. A duplicate of such statement if made and filed in accordance with regulations prescribed by the department shall constitute the return required to be made in respect of such wages under KRS 141.150.

(3) The department may promulgate regulations providing for reasonable extensions of time, not in excess of thirty days, to employers required to furnish statements under this section.

Section 28. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.340 and to read as follows:

An employer shall be liable for the payment of the tax required to be deducted and withheld under KRS 141.310 and KRS 141.315, and shall not be liable to any person for the amount of any such payment.

Section 29. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.345 and to read as follows:

(1) Where there has been an overpayment of tax under KRS 141.310 or KRS 141.315, refund or credit shall be made

to the employer only to the extent that the amount of such overpayment was not deducted and withheld under KRS 141.310 or KRS 141.315 by the employer.

(2) Unless written application for refund or credit is received by the department from the employer within two years from the date the overpayment was made, no refund or credit shall be allowed.

Section 30. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.350 and to read as follows:

The amount deducted and withheld as tax under KRS 141.310 and KRS 141.315 during any calendar year upon the wages of any individual shall be allowed as a credit to the recipient of the income against the tax imposed by KRS 141.020, for taxable years beginning in such calendar year. If more than one taxable year begins in such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning.

Section 31. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.355 and to read as follows:

(1) Where there has been an overpayment of any tax imposed under KRS 141.020, KRS 141.310 or KRS 141.315, the amount of such overpayment shall be credited against any income tax or installment thereof then due from the taxpayer, and any balance shall be refunded in the manner provided in KRS 141.235.

(2) Where the amount of the tax withheld at the source under KRS 141.310 or KRS 141.315 exceeds the taxes imposed by KRS 141.020 against which the tax so withheld may be credited under KRS 141.350, the amount of such excess shall be considered an overpayment.

Section 32. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.360 and to read as follows:

Unless the tax levied under KRS 141.310 is determined as provided in KRS 141.315, such tax shall be determined in accordance with the following tables:

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is WEEKLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 24	2% of wage	0	0	0	0	0	0	0	0	0	0
24	26	.38	.04	0	0	0	0	0	0	0	0	0
26	28	.42	.07	0	0	0	0	0	0	0	0	0
28	30	.44	.10	0	0	0	0	0	0	0	0	0
30	32	.47	.13	0	0	0	0	0	0	0	0	0
32	34	.50	.16	0	0	0	0	0	0	0	0	0
34	36	.53	.19	0	0	0	0	0	0	0	0	0
36	38	.56	.22	0	0	0	0	0	0	0	0	0
38	40	.59	.25	0	0	0	0	0	0	0	0	0
40	42	.62	.28	0	0	0	0	0	0	0	0	0
42	44	.65	.31	0	0	0	0	0	0	0	0	0
44	46	.68	.34	0	0	0	0	0	0	0	0	0
46	48	.71	.37	.02	0	0	0	0	0	0	0	0
48	50	.74	.40	.05	0	0	0	0	0	0	0	0
50	52	.76	.42	.08	0	0	0	0	0	0	0	0
52	54	.79	.45	.11	0	0	0	0	0	0	0	0
54	56	.82	.48	.14	0	0	0	0	0	0	0	0
56	58	.85	.51	.17	.02	0	0	0	0	0	0	0
58	60	.88	.54	.20	.05	0	0	0	0	0	0	0
60	62	.91	.57	.23	.08	0	0	0	0	0	0	0
62	64	.94	.60	.26	.11	0	0	0	0	0	0	0
64	66	.97	.63	.29	.14	0	0	0	0	0	0	0
66	68	1.00	.66	.32	.17	.02	0	0	0	0	0	0
68	70	1.02	.68	.35	.20	.07	0	0	0	0	0	0
70	72	1.05	.71	.38	.24	.11	0	0	0	0	0	0
72	74	1.08	.74	.42	.29	.16	.03	0	0	0	0	0
74	76	1.11	.77	.46	.33	.20	.07	0	0	0	0	0
76	78	1.14	.82	.51	.38	.25	.12	0	0	0	0	0
78	80	1.18	.86	.55	.42	.29	.16	.03	0	0	0	0
80	82	1.22	.90	.59	.46	.33	.20	.07	0	0	0	0
82	84	1.26	.95	.63	.51	.38	.25	.12	0	0	0	0
84	86	1.31	.99	.68	.55	.42	.29	.16	.02	0	0	0
86	88	1.35	1.03	.73	.60	.47	.34	.21	.09	0	0	0
88	90	1.39	1.08	.77	.64	.51	.38	.27	.16	0	0	0
90	92	1.43	1.12	.82	.69	.56	.44	.33	.22	.04	0	0
92	94	1.47	1.16	.86	.73	.61	.50	.39	.28	.11	0	0

94	96	1.51	1.21	.90	.78	.67	.56	.45	.34	.19	0	0
96	98	1.55	1.25	.95	.83	.73	.62	.51	.40	.27	.07	0
98	100	1.60	1.29	1.00	.89	.78	.68	.58	.46	.35	.15	0
100	105	1.70	1.41	1.15	1.04	.93	.83	.73	.63	.53	.35	.16
105	110	1.83	1.55	1.30	1.19	1.09	.99	.89	.80	.72	.60	.40
110	115	1.96	1.69	1.45	1.36	1.26	1.16	1.08	1.00	.93	.85	.65
115	120	2.10	1.84	1.61	1.52	1.44	1.36	1.28	1.21	1.13	1.05	.90
120	125	2.25	1.99	1.78	1.72	1.65	1.57	1.49	1.42	1.34	1.26	1.15
125	130	2.40	2.15	1.99	1.92	1.85	1.77	1.70	1.62	1.54	1.46	1.39
130	135	2.56	2.34	2.19	2.12	2.05	1.98	1.90	1.82	1.75	1.67	1.59
135	140	2.74	2.53	2.39	2.32	2.26	2.18	2.11	2.03	1.95	1.87	1.80
140	145	2.93	2.72	2.59	2.52	2.46	2.39	2.31	2.23	2.16	2.08	2.00
145	150	3.11	2.90	2.79	2.72	2.66	2.59	2.52	2.44	2.36	2.28	2.21
150	155	3.29	3.08	2.99	2.92	2.86	2.79	2.72	2.64	2.57	2.49	2.41
155	160	3.47	3.26	3.19	3.12	3.06	2.99	2.93	2.85	2.77	2.70	2.62
160	165	3.66	3.45	3.39	3.33	3.26	3.19	3.13	3.05	2.98	2.90	2.82
165	170	3.84	3.63	3.59	3.53	3.46	3.39	3.33	3.26	3.18	3.10	3.03
170	175	4.01	3.81	3.79	3.73	3.66	3.59	3.53	3.46	3.39	3.32	3.26
175	180	4.19	3.99	3.99	3.92	3.86	3.79	3.73	3.67	3.62	3.56	3.51
180	185	4.36	4.17	4.19	4.13	4.06	4.00	3.95	3.91	3.86	3.81	3.75
185	190	4.54	4.35	4.39	4.33	4.27	4.23	4.19	4.15	4.11	4.06	4.00
190	195	4.70	4.52	4.59	4.55	4.51	4.47	4.43	4.39	4.35	4.30	4.24
195	200	4.87	4.68	4.81	4.78	4.74	4.70	4.66	4.62	4.58	4.54	4.48
200	205	5.03	4.85	5.03	5.01	4.97	4.93	4.89	4.85	4.81	4.77	4.72
205	210	5.20	5.01	5.25	5.24	5.21	5.16	5.13	5.09	5.05	5.01	4.96
210	215	5.36	5.21	5.48	5.46	5.44	5.40	5.36	5.32	5.28	5.24	5.20
215	220	5.54	5.41	5.70	5.69	5.67	5.64	5.60	5.56	5.52	5.48	5.44
220	225	5.72	5.60	5.92	5.91	5.89	5.87	5.83	5.79	5.75	5.71	5.67
225	230	5.91	5.79	6.14	6.13	6.12	6.10	6.06	6.02	5.98	5.94	5.90
230	235	6.10	5.97	6.36	6.35	6.34	6.33	6.30	6.26	6.22	6.18	6.14
235	240	6.28	6.16	6.59	6.57	6.56	6.55	6.53	6.49	6.45	6.41	6.37
240	245	6.47	6.35	6.81	6.80	6.78	6.77	6.76	6.73	6.69	6.65	6.61
245	250	6.65	6.53	7.03	7.02	7.00	6.99	6.98	6.96	6.92	6.88	6.84
250	255	6.82	6.72	7.25	7.24	7.23	7.21	7.20	7.19	7.15	7.11	7.07
255	260	7.00	6.90	7.47	7.46	7.45	7.44	7.42	7.41	7.39	7.35	7.31
260	265	7.17	7.08	7.70	7.68	7.67	7.66	7.65	7.63	7.62	7.58	7.54
265	270	7.34	7.25	7.92	7.91	7.89	7.88	7.87	7.86	7.84	7.82	7.78
270	275	7.51	7.42	8.13	8.13	8.11	8.10	8.09	8.08	8.07	8.05	8.01
275	280	7.68	7.59	8.34	8.35	8.34	8.32	8.31	8.30	8.29	8.27	8.24
280	285	7.85	7.76	8.55	8.57	8.56	8.55	8.53	8.52	8.51	8.50	8.48
285	290	8.02	7.94	8.76	8.78	8.78	8.77	8.76	8.74	8.73	8.72	8.71
290	295	8.18	8.11	8.97	8.99	9.00	8.99	8.98	8.97	8.95	8.94	8.93
295	300	8.34	8.28	9.18	9.20	9.22	9.21	9.20	9.19	9.18	9.17	9.15
						4% of all over $300.00 plus						
300	and over	8.34	8.28	9.18	9.20	9.22	9.21	9.20	9.19	9.18	9.17	9.15

If the payroll period is bi-weekly the amount to be withheld shall be determined by dividing the amount of wages by two (2) and applying the weekly table and multiplying such amount by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is MONTHLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 100	2% of wage	0	0	0	0	0	0	0	0	0	0
100	104	1.54	.05	0	0	0	0	0	0	0	0	0
104	108	1.59	.11	0	0	0	0	0	0	0	0	0
108	112	1.65	.17	0	0	0	0	0	0	0	0	0
112	116	1.71	.23	0	0	0	0	0	0	0	0	0
116	120	1.77	.28	0	0	0	0	0	0	0	0	0
120	124	1.83	.34	0	0	0	0	0	0	0	0	0
124	128	1.89	.40	0	0	0	0	0	0	0	0	0
128	132	1.95	.46	0	0	0	0	0	0	0	0	0
132	136	2.01	.52	0	0	0	0	0	0	0	0	0
136	140	2.07	.58	0	0	0	0	0	0	0	0	0
140	144	2.13	.64	0	0	0	0	0	0	0	0	0
144	148	2.19	.70	0	0	0	0	0	0	0	0	0
148	152	2.24	.76	0	0	0	0	0	0	0	0	0
152	156	2.30	.82	0	0	0	0	0	0	0	0	0
156	160	2.36	.88	0	0	0	0	0	0	0	0	0
160	164	2.42	.93	0	0	0	0	0	0	0	0	0
164	168	2.48	.99	0	0	0	0	0	0	0	0	0
168	172	2.54	1.05	0	0	0	0	0	0	0	0	0
172	176	2.60	1.11	0	0	0	0	0	0	0	0	0
176	180	2.66	1.17	0	0	0	0	0	0	0	0	0
180	184	2.72	1.23	0	0	0	0	0	0	0	0	0
184	188	2.77	1.29	0	0	0	0	0	0	0	0	0
188	192	2.83	1.35	0	0	0	0	0	0	0	0	0
192	196	2.89	1.41	0	0	0	0	0	0	0	0	0
196	200	2.95	1.47	0	0	0	0	0	0	0	0	0
200	204	3.01	1.52	.04	0	0	0	0	0	0	0	0
204	208	3.06	1.58	.10	0	0	0	0	0	0	0	0
208	212	3.12	1.64	.16	0	0	0	0	0	0	0	0
212	216	3.18	1.70	.22	0	0	0	0	0	0	0	0
216	220	3.24	1.76	.27	0	0	0	0	0	0	0	0
220	224	3.29	1.82	.33	0	0	0	0	0	0	0	0
224	228	3.35	1.88	.39	0	0	0	0	0	0	0	0
228	232	3.41	1.94	.45	0	0	0	0	0	0	0	0
232	236	3.47	2.00	.51	0	0	0	0	0	0	0	0
236	240	3.52	2.05	.57	0	0	0	0	0	0	0	0
240	248	3.64	2.17	.69	.03	0	0	0	0	0	0	0

248	256	3.76	2.29	.81	.15	0	0	0	0	0	0	0
256	264	3.87	2.40	.92	.27	0	0	0	0	0	0	0
264	272	3.99	2.52	1.04	.39	0	0	0	0	0	0	0
272	280	4.10	2.63	1.16	.52	0	0	0	0	0	0	0
280	288	4.22	2.75	1.28	.62	0	0	0	0	0	0	0
288	296	4.33	2.86	1.41	.74	.13	0	0	0	0	0	0
296	304	4.45	2.98	1.51	.87	.31	0	0	0	0	0	0
304	312	4.56	3.10	1.63	1.05	.49	0	0	0	0	0	0
312	320	4.68	3.21	1.79	1.23	.67	.10	0	0	0	0	0
320	328	4.80	3.33	1.97	1.41	.84	.28	0	0	0	0	0
328	336	4.91	3.50	2.15	1.58	1.02	.46	0	0	0	0	0
336	344	5.04	3.67	2.32	1.76	1.20	.63	.07	0	0	0	0
344	352	5.21	3.84	2.50	1.94	1.37	.81	.25	0	0	0	0
352	360	5.39	4.02	2.68	2.11	1.55	.99	.42	0	0	0	0
360	368	5.56	4.19	2.85	2.29	1.73	1.16	.60	0	0	0	0
368	376	5.73	4.36	3.03	2.47	1.90	1.34	.78	.20	0	0	0
376	384	5.89	4.54	3.21	2.65	2.08	1.52	1.00	.49	0	0	0
384	392	6.06	4.71	3.39	2.82	2.26	1.71	1.23	.76	0	0	0
392	400	6.22	4.88	3.56	3.00	2.44	1.94	1.47	1.03	.23	0	0
400	420	6.64	5.32	4.01	3.48	3.01	2.53	2.06	1.59	.97	.13	0
420	440	7.05	5.73	4.54	4.07	3.60	3.12	2.67	2.23	1.77	.93	.10
440	460	7.46	6.25	5.13	4.66	4.19	3.76	3.32	2.89	2.46	1.75	.92
460	480	8.00	6.80	5.72	5.28	4.84	4.41	3.98	3.60	3.26	2.75	1.92
480	500	8.56	7.36	6.35	5.93	5.50	5.08	4.75	4.42	4.08	3.75	2.92
500	520	9.11	7.95	7.00	6.59	6.24	5.90	5.57	5.24	4.86	4.57	3.92
520	540	9.71	8.57	7.67	7.39	7.06	6.72	6.39	6.06	5.72	5.39	4.92
540	560	10.32	9.22	8.47	8.19	7.88	7.54	7.21	6.88	6.54	6.21	5.88
560	580	10.92	9.95	9.28	8.99	8.70	8.36	8.03	7.70	7.36	7.03	6.70
580	600	11.65	10.71	10.08	9.79	9.51	9.18	8.85	8.52	8.18	7.85	7.52
600	640	13.11	12.19	11.68	11.39	11.11	10.82	10.49	10.16	9.82	9.49	9.16
640	680	14.57	13.65	13.29	13.00	12.72	12.44	12.13	11.80	11.46	11.13	10.80
680	720	16.03	15.11	14.89	14.61	14.32	14.04	13.76	13.44	13.10	12.77	12.44
720	760	17.46	16.57	16.49	16.21	15.93	15.64	15.36	15.08	14.74	14.46	14.23
760	800	18.84	18.03	18.10	17.81	17.53	17.25	17.02	16.85	16.66	16.43	16.19
800	840	20.22	19.40	19.69	19.46	19.29	19.11	18.94	18.77	18.59	18.39	18.15
840	880	21.54	20.72	21.43	21.33	21.16	20.98	20.81	20.64	20.46	20.29	20.07
880	920	22.85	22.12	23.21	23.16	23.03	22.86	22.68	22.51	22.34	22.16	21.99
920	960	24.25	23.70	24.98	24.93	24.88	24.73	24.56	24.38	24.21	24.04	23.86
960	1,000	25.73	25.21	26.76	26.71	26.65	26.60	26.43	26.25	26.08	25.91	25.73
1,000	1,040	27.22	26.70	28.54	28.48	28.43	28.38	28.30	28.13	27.95	27.78	27.61
1,040	1,080	28.71	28.18	30.31	30.25	30.21	30.15	30.10	30.00	29.82	29.65	29.48
1,080	1,120	30.09	29.67	32.09	32.04	31.98	31.93	31.88	31.82	31.70	31.52	31.35
1,120	1,160	31.46	31.08	33.86	33.81	33.76	33.70	33.65	33.60	33.54	33.40	33.22
1,160	1,200	32.82	32.45	35.60	35.59	35.53	35.48	35.43	35.37	35.32	35.27	35.09
1,200	1,250	34.53	34.16	37.70	37.77	37.75	37.70	37.65	37.59	37.54	37.49	37.43
						4% of all over $1,250.00 plus						
		34.53	34.16	37.70	37.77	37.75	37.30	37.65	37.59	37.54	37.49	37.43

If the payroll period with respect to an employee is semi-monthly, the am ount to be withheld shall be determined by multiplying the wages by two (2) applying the monthly table, and dividing the tax shown on the monthly table by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is DAILY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 3.50	2% of wage	0	0	0	0	0	0	0	0	0	0
3.50	3.75	.06	.01	0	0	0	0	0	0	0	0	0
3.75	4.00	.06	.01	0	0	0	0	0	0	0	0	0
4.00	4.25	.06	.01	0	0	0	0	0	0	0	0	0
4.25	4.50	.07	.02	0	0	0	0	0	0	0	0	0
4.50	4.75	.07	.02	0	0	0	0	0	0	0	0	0
4.75	5.00	.07	.02	0	0	0	0	0	0	0	0	0
5.00	5.25	.08	.03	0	0	0	0	0	0	0	0	0
5.25	5.50	.08	.03	0	0	0	0	0	0	0	0	0
5.50	5.75	.08	.04	0	0	0	0	0	0	0	0	0
5.75	6.00	.09	.04	0	0	0	0	0	0	0	0	0
6.00	6.25	.09	.04	0	0	0	0	0	0	0	0	0
6.25	6.50	.10	.05	0	0	0	0	0	0	0	0	0
6.50	6.75	.10	.05	.01	0	0	0	0	0	0	0	0
6.75	7.00	.10	.05	.01	0	0	0	0	0	0	0	0
7.00	7.25	.11	.06	.01	0	0	0	0	0	0	0	0
7.25	7.50	.11	.06	.01	0	0	0	0	0	0	0	0
7.50	7.75	.11	.06	.02	0	0	0	0	0	0	0	0
7.75	8.00	.12	.07	.02	0	0	0	0	0	0	0	0
8.00	8.25	.12	.07	.02	.01	0	0	0	0	0	0	0
8.25	8.50	.12	.08	.03	.01	0	0	0	0	0	0	0
8.50	8.75	.13	.08	.03	.01	0	0	0	0	0	0	0
8.75	9.00	.13	.08	.03	.01	0	0	0	0	0	0	0
9.00	9.25	.14	.09	.04	.02	0	0	0	0	0	0	0
9.25	9.50	.14	.09	.04	.02	0	0	0	0	0	0	0
9.50	9.75	.14	.09	.04	.02	.01	0	0	0	0	0	0
9.75	10.00	.15	.10	.05	.03	.01	0	0	0	0	0	0
10.00	10.50	.15	.10	.06	.04	.02	0	0	0	0	0	0
10.50	11.00	.16	.11	.07	.05	.03	.01	0	0	0	0	0
11.00	11.50	.17	.12	.08	.06	.04	.02	.01	0	0	0	0
11.50	12.00	.18	.13	.09	.07	.05	.03	.01	0	0	0	0
12.00	12.50	.19	.14	.10	.08	.06	.04	.03	.01	0	0	0
12.50	13.00	.20	.16	.11	.09	.07	.06	.04	.02	0	0	0
13.00	13.50	.21	.17	.12	.10	.09	.07	.05	.04	.01	0	0
13.50	14.00	.22	.18	.13	.12	.10	.08	.07	.05	.03	.01	0

14.00	14.50	.23	.19	.15	.13	.11	.10	.08	.07	.05	.02	0
14.50	15.00	.24	.20	.16	.15	.13	.11	.10	.09	.07	.04	.02
15.00	15.50	.25	.21	.18	.16	.15	.13	.12	.10	.09	.07	.04
15.50	16.00	.27	.23	.19	.18	.16	.15	.13	.12	.11	.09	.06
16.00	16.50	.28	.24	.21	.19	.18	.16	.15	.14	.13	.12	.09
16.50	17.00	.30	.25	.22	.21	.19	.18	.17	.16	.15	.14	.11
17.00	17.50	.31	.27	.24	.23	.21	.20	.19	.18	.17	.16	.14
17.50	18.00	.32	.29	.26	.25	.24	.22	.21	.20	.19	.18	.16
18.00	18.50	.34	.30	.28	.27	.26	.24	.23	.22	.21	.20	.19
18.50	19.00	.35	.32	.30	.29	.28	.27	.25	.24	.23	.22	.21
19.00	19.50	.37	.34	.32	.31	.30	.29	.27	.26	.25	.24	.23
19.50	20.00	.39	.36	.34	.33	.32	.31	.30	.28	.27	.26	.25
20.00	21.00	.42	.39	.38	.37	.36	.35	.34	.32	.31	.30	.29
21.00	22.00	.46	.43	.42	.41	.40	.39	.38	.37	.35	.34	.33
22.00	23.00	.50	.47	.46	.45	.44	.43	.42	.41	.40	.38	.37
23.00	24.00	.53	.50	.50	.49	.48	.47	.46	.45	.44	.43	.41
24.00	25.00	.57	.54	.54	.53	.52	.51	.50	.49	.48	.47	.46
25.00	26.00	.60	.58	.58	.57	.56	.55	.54	.53	.52	.51	.51
26.00	27.00	.64	.61	.62	.61	.60	.59	.58	.58	.57	.56	.56
27.00	28.00	.67	.65	.66	.65	.64	.64	.63	.63	.62	.61	.61
28.00	29.00	.71	.68	.70	.70	.69	.68	.68	.67	.67	.66	.65
29.00	30.00	.74	.71	.74	.74	.74	.73	.72	.72	.71	.71	.70
30.00	31.00	.77	.75	.79	.79	.78	.78	.77	.77	.76	.75	.75
31.00	32.00	.81	.79	.83	.83	.83	.82	.82	.81	.81	.80	.80
32.00	33.00	.85	.83	.88	.88	.87	.87	.87	.86	.85	.85	.84
33.00	34.00	.88	.87	.92	.92	.92	.92	.91	.91	.90	.89	.89
34.00	35.00	.92	.90	.97	.96	.96	.96	.96	.95	.95	.94	.94
35.00	36.00	.96	.94	1.01	1.01	1.01	1.01	1.00	1.00	.99	.99	.98
36.00	37.00	.99	.98	1.05	1.05	1.05	1.05	1.05	1.05	1.04	1.04	1.03
37.00	38.00	1.03	1.01	1.10	1.10	1.10	1.09	1.09	1.09	1.09	1.08	1.08
38.00	39.00	1.06	1.05	1.14	1.14	1.14	1.14	1.14	1.13	1.13	1.13	1.12
39.00	40.00	1.09	1.08	1.19	1.19	1.18	1.18	1.18	1.18	1.18	1.18	1.17
40.00	41.00	1.13	1.12	1.23	1.23	1.23	1.23	1.23	1.22	1.22	1.22	1.22
41.00	42.00	1.16	1.15	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.26	1.26
42.00 and over		1.16	1.15	1.27	1.27	4% of all over $42.00 plus 1.27	1.27	1.27	1.27	1.27	1.26	1.26

This table shall be used in calculating the proper amount to be withheld in the case of a miscellaneous payroll period.

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is QUARTERLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 300	$ 312	4.62	.15	0	0	0	0	0	0	0	0	0
312	324	4.77	.33	0	0	0	0	0	0	0	0	0
324	336	4.95	.51	0	0	0	0	0	0	0	0	0
336	348	5.13	.69	0	0	0	0	0	0	0	0	0
348	360	5.31	.84	0	0	0	0	0	0	0	0	0
360	372	5.49	1.02	0	0	0	0	0	0	0	0	0
372	384	5.67	1.20	0	0	0	0	0	0	0	0	0
384	396	5.85	1.38	0	0	0	0	0	0	0	0	0
396	408	6.03	1.56	0	0	0	0	0	0	0	0	0
408	420	6.21	1.74	0	0	0	0	0	0	0	0	0
420	432	6.39	1.92	0	0	0	0	0	0	0	0	0
432	444	6.57	2.10	0	0	0	0	0	0	0	0	0
444	456	6.72	2.28	0	0	0	0	0	0	0	0	0
456	468	6.90	2.46	0	0	0	0	0	0	0	0	0
468	480	7.08	2.64	0	0	0	0	0	0	0	0	0
480	492	7.26	2.79	0	0	0	0	0	0	0	0	0
492	504	7.44	2.97	0	0	0	0	0	0	0	0	0
504	516	7.62	3.15	0	0	0	0	0	0	0	0	0
516	528	7.80	3.33	0	0	0	0	0	0	0	0	0
528	540	7.98	3.51	0	0	0	0	0	0	0	0	0
540	552	8.16	3.69	0	0	0	0	0	0	0	0	0
552	564	8.31	3.87	0	0	0	0	0	0	0	0	0
564	576	8.49	4.05	0	0	0	0	0	0	0	0	0
576	588	8.67	4.23	0	0	0	0	0	0	0	0	0
588	600	8.85	4.41	0	0	0	0	0	0	0	0	0
600	612	9.03	4.56	.12	0	0	0	0	0	0	0	0
612	624	9.18	4.74	.30	0	0	0	0	0	0	0	0
624	636	9.36	4.92	.48	0	0	0	0	0	0	0	0
636	648	9.54	5.10	.66	0	0	0	0	0	0	0	0
648	660	9.72	5.28	.81	0	0	0	0	0	0	0	0
660	672	9.87	5.46	.99	0	0	0	0	0	0	0	0
672	684	10.05	5.64	1.17	0	0	0	0	0	0	0	0
684	696	10.23	5.82	1.35	0	0	0	0	0	0	0	0
696	708	10.41	6.00	1.53	0	0	0	0	0	0	0	0
708	720	10.56	6.15	1.71	0	0	0	0	0	0	0	0
720	744	10.92	6.51	2.07	.09	0	0	0	0	0	0	0

744	768	11.28	6.87	2.43	.45	0	0	0	0	0	0	0
768	792	11.61	7.20	2.76	.81	0	0	0	0	0	0	0
792	816	11.97	7.56	3.12	1.17	0	0	0	0	0	0	0
816	840	12.30	7.89	3.48	1.56	0	0	0	0	0	0	0
840	864	12.66	8.25	3.84	1.86	0	0	0	0	0	0	0
864	888	12.99	8.58	4.23	2.22	.39	0	0	0	0	0	0
888	912	13.35	8.94	4.53	2.61	.93	0	0	0	0	0	0
912	936	13.68	9.30	4.89	3.15	1.47	0	0	0	0	0	0
936	960	14.04	9.63	5.37	3.69	2.01	.30	0	0	0	0	0
960	984	14.40	9.99	5.91	4.23	2.52	.84	0	0	0	0	0
984	1,008	14.73	10.50	6.45	4.74	3.06	1.38	0	0	0	0	0
1,008	1,032	15.12	11.01	6.96	5.28	3.60	1.89	.21	0	0	0	0
1,032	1,056	15.63	11.52	7.50	5.82	4.11	2.43	.75	0	0	0	0
1,056	1,080	16.17	12.06	8.04	6.33	4.65	2.97	1.26	0	0	0	0
1,080	1,104	16.68	12.57	8.55	6.87	5.19	3.48	1.80	0	0	0	0
1,104	1,128	17.19	13.08	9.09	7.41	5.70	4.02	2.34	.60	0	0	0
1,128	1,152	17.67	13.62	9.63	7.95	6.24	4.56	3.00	1.47	0	0	0
1,152	1,176	18.18	14.13	10.17	8.46	6.78	5.13	3.69	2.28	0	0	0
1,176	1,200	18.66	14.64	10.68	9.00	7.32	5.82	4.41	3.09	.69	0	0
1,200	1,260	19.92	15.96	12.03	10.44	9.03	7.59	6.18	4.77	2.91	.39	0
1,260	1,320	21.15	17.19	13.62	12.21	10.80	9.36	8.01	6.69	5.31	2.79	.30
1,320	1,380	22.38	18.75	15.39	13.98	12.57	11.28	9.96	8.67	7.38	5.25	2.76
1,380	1,440	24.00	20.40	17.16	15.84	14.52	13.23	11.94	10.80	9.78	8.25	5.76
1,440	1,500	25.68	22.08	19.05	17.79	16.50	15.24	14.25	13.26	12.24	11.25	8.76
1,500	1,560	27.33	23.85	21.00	19.77	18.72	17.70	16.71	15.72	14.58	13.71	11.76
1,560	1,620	29.13	25.71	23.01	22.17	21.18	20.16	19.17	18.18	17.16	16.17	14.76
1,620	1,680	30.96	27.66	25.41	24.57	23.64	22.62	21.63	20.64	19.62	18.63	17.64
1,680	1,740	32.76	29.85	27.84	26.97	26.10	25.08	24.09	23.10	22.08	21.09	20.10
1,740	1,800	34.95	32.13	30.24	29.37	28.53	27.54	26.55	25.56	24.54	23.55	22.56
1,800	1,920	39.33	36.57	35.04	34.17	33.33	32.46	31.47	30.48	29.46	28.47	27.48
1,920	2,040	43.71	40.95	39.87	39.00	38.16	37.32	36.39	35.40	34.38	33.39	32.40
2,040	2,160	48.09	45.33	44.67	43.83	42.96	42.12	41.28	40.32	39.30	38.31	37.32
2,160	2,280	52.38	49.71	49.47	48.63	47.79	46.92	46.08	45.24	44.22	43.38	42.69
2,280	2,400	56.52	54.09	54.30	53.43	52.59	51.75	51.06	50.55	49.98	49.29	48.57
2,400	2,520	60.66	58.20	59.07	58.38	57.87	57.33	56.82	56.31	55.77	55.17	54.45
2,520	2,640	64.62	62.16	64.29	63.99	63.48	62.94	62.94	62.43	61.38	60.87	60.21
2,640	2,760	68.55	66.36	69.63	69.48	69.09	68.58	68.04	67.53	67.02	66.48	65.97
2,760	2,880	72.75	71.10	74.94	74.79	74.64	74.19	73.68	73.14	72.63	72.12	71.58
2,880	3,000	77.19	75.63	80.28	80.13	79.95	79.80	79.29	78.75	78.24	77.73	77.19
3,000	3,120	81.66	80.10	85.62	85.44	85.29	85.14	84.90	84.39	83.85	83.34	82.83
3,120	3,240	86.13	84.54	90.93	90.75	90.63	90.45	90.30	90.00	89.46	88.95	88.44
3,240	3,360	90.27	89.01	96.27	96.12	95.94	95.79	95.64	95.46	95.10	94.56	94.05
3,360	3,480	94.38	93.24	101.58	101.43	101.28	101.10	100.95	100.80	100.62	100.20	99.66
3,480	3,600	98.46	97.35	106.80	106.77	106.59	106.44	106.29	106.11	105.96	105.81	105.27
3,600	3,750	103.59	102.48	113.10	113.31	113.25	113.10	112.95	112.77	112.62	112.47	112.29
				4% of all over $3,750.00 plus								
		103.59	102.48	113.10	113.31	113.25	113.10	112.95	112.77	112.62	112.47	112.29

Section 33. Section 141.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty shall be in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax, fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(5) If the tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other

applicable penalties, one percent of the tax for each month the tax remains unpaid.

(6) Any person required under the provisions of KRS 141.150 or KRS 141.335 to furnish a statement required under that section who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under KRS 141.150 and KRS 141.335, shall for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(7) Any employer required under the provisions of KRS 141.310 or KRS 141.315 to withhold taxes on wages and make quarterly returns and payment of amounts withheld to the department, who fails to withhold such taxes, or to make such returns, or who fails to remit amounts collected to the department, shall be subject to a civil penalty equal to twenty-five percent of the amount of taxes that should have been properly withheld and paid over to the department for each failure. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(8) (a) In the case of a failure to make and file a declaration of estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of each installment due but unpaid, and one percent of the unpaid amount thereof for each month, except the first, or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed ten percent of the unpaid portion of such installment. For the purposes of this subparagraph, the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credit allowed by KRS 141.350.

(b) Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the department has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to willful neglect, in the case of a failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of the unpaid amount of such installment and, in addition, one percent of such unpaid amount for each month, except the first, or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed ten percent of the unpaid portion of such installment.

(9) If eighty percent of the tax, determined without regard to the credit under KRS 141.350, in the case of individuals other than farmers exercising an election under subsection (5) of KRS 141.305, or sixty-six and two-thirds percent of such tax so determined in the case of such farmers, exceeds the estimated tax, increased by such credit, there shall be added to the tax an amount equal to such excess, or equal to six percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which falls the death of the taxpayer, nor shall it apply to the taxable year in which the taxpayer makes a timely payment on April 15, July 15 and November 15, of such year, or in the case of farmers exercising an election under subsection (5) of KRS 141.305 within the last quarter, and making payment in an amount at least as great as though computed on the basis of the facts shown on his return for the preceding taxable year.

(10) Any penalty imposed by subsections (1), (2), (3), (4), (5), (6), (7), (8), or (9) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(11) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(12) In addition to the penalties herein prescribed, any taxpayer or employer, who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amounts collected, or any part thereof, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or confined in the penitentiary for not less than twelve months nor more than five years, or both.

Section 34. Unless otherwise provided herein, the provisions of this Act shall be applicable to all taxpayers for all taxable years beginning on or after January 1, 1954. With respect to all taxable years beginning before January 1, 1954, the provisions of KRS Chapter 141, as they existed immediately prior to the enactment of this Act, shall remain applicable, the same as though they had not been amended or repealed by this Act.

Section 35. Sections 141.015, 141.055, 141.075, 141.080, 141.083, 141.084, 141.085, 141.090, 141.095, 141.096, 141.100, 141.110, 141.125, 141.230 and 141.240 of the Kentucky Revised Statutes are hereby repealed.

Said bill was ordered printed and referred.

By Mr. Ockerman, Mr. Morgan, Mr. Burnley, Mr. Weintraub and Mr. Brown.

H. B. No. 22. AN ACT relating to the taxing powers of cities of all classes and amending section 92.281 of the Kentucky Revised Statutes, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.281 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Cities of all classes are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the legislative body of the city.

(2) Nothing in this section shall be construed to repeal, amend or affect in any way the provisions of KRS 243.070.

(3) This section shall not in any wise repeal, amend, affect or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation, nor shall it be construed to authorize a city to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax.

(4) This section shall also be subject to the provisions of KRS 91.200 in cities of the first class having a sinking fund and commissioners of a sinking fund, as prescribed by KRS 91.130.

Section 2. WHEREAS, at the 1948 General Assembly, enactment of subsection (4) of KRS 92.281 made said section subject to the provisions of KRS 91.200; and

WHEREAS, the provisions of KRS 91.200 are only applicable to cities of the first class and are not applicable to cities of any other class, and the said subsection (4) of KRS 92.281, as enacted by the 1948 General Assembly, was not intended to apply to any city other than a city of the first class; and

WHEREAS, some confusion has arisen concerning the applicability of said subsection (4) of KRS 98.281, as enacted in 1948, as a result of which the right and power of cities, other than cities of the first class, to levy taxes under this section and to apportion, allocate and expend such taxes, without the necessity and requirement that same be paid into a sinking fund, has been questioned to the extent that the status and financial structures of all cities other than cities of the first class are vitally affected; and

WHEREAS, it is imperative that the aforementioned confusion be eliminated in order that such cities may properly plan, establish and make provision for the imposition and collection of taxes necessary to properly administer the affairs of the cities; which, under the law, must now be planned and provided for;

An emergency is hereby declared to exist and this Act shall

become effective immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Hill.

H. B. No. 23. AN ACT relating to alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Terms used in this Act and defined in KRS 241.010 have the same meaning as given them therein except that "alcoholic beverages" does not include "malt beverages."

(2) As used in this Act, unless the context requires otherwise:

(a) "Package liquor" means any alcoholic beverage, in any closed or sealed container used for holding alcoholic beverages.

(b) "State Store" means a State Liquor Store established and operated by the board under the provisions of this Act for the sale of package liquors for consumption off the premises.

Section 2. The sale of package liquor at wholesale and retail in this Commonwealth shall be a state monopoly. Package liquors shall be sold at wholesale and retail by and through state liquor stores and in no other manner. No person shall sell, possess for sale, transport or distribute package liquors in this Commonwealth except in accordance with this Act.

Section 3. (1) This Act shall be administered by the Department of Alcoholic Beverage Control and the Kentucky Alcoholic Beverage Control Board created by KRS 241.015.

(2) No member of the board shall have a personal interest in or derive any gain from an enterprise or industry engaged in the manufacture, sale or use of alcoholic beverages.

(3) In addition to any other bonds required, each member of the board shall give bond in the penal sum of twenty-five thousand dollars, to be approved by the Governor and conditioned upon the faithful performances of his duties. The bond shall be filed with the Secretary of State.

Section 4. (1) The board shall have the following powers:

(a) Make rules and regulations necessary for the administration of this Act;

(b) Sign and execute in the name of the board any contract or agreement authorized by this Act;

(c) Obtain by lease or agreement, after receiving competitive bids, lands and buildings required for the purposes of this Act;

(d) Purchase or lease as provided by law all equipment necessary for the administration of this Act;

(e) Invoke any legal or equitable remedies for the enforcement of the orders of the board or the provisions of this Act.

(2) Leases and agreements shall contain a condition whereby such leases or agreements shall terminate and all liability of the board thereunder shall cease and determine, should the sale of alcoholic beverages be prohibited in the territory where located. Nothing herein contained shall empower the board to acquire title to any real estate, except that with the approval of the Governor the commission may purchase real estate for the purpose of one warehouse to be centrally located, the title to which shall be taken in the name of the Commonwealth.

Section 5. (1) The board shall establish state stores at places throughout the state so as to serve adequately and reasonably the demand for sale at wholesale and retail of package liquor, subject to the restriction that no state stores shall be operated in territory designated as "dry" under the provisions of KRS Chapter 242.

(2) A state store shall not be located in the immediate vicinity of a church or school.

Section 6. The board shall appoint a manager for and assign employes to each state store. The manager shall be responsible to the board for the conduct and operation of the store.

Section 7. (1) The board shall, from time to time, fix

uniform prices for each variety, class and brand of package liquors offered for sale in state stores. Package liquors shall be sold in state stores only at the uniform prices fixed by the board.

(2) The board shall prepare price lists showing the price of each variety, class or brand. Price lists shall be posted prominently in each store and shall be available for distribution and inspection in every state store.

Section 8. (1) The board, with the approval of the Commissioner of Finance, shall install a uniform system of records and accounts for state stores. It shall require a daily report of sales and stock inventory, and shall audit the accounts and check the stock inventory of each store at least once in every thirty days.

(2) The board shall prescribe a method of stock or inventory control that will show the amount of each variety, class and brand of package liquor on hand in each state store and warehouse at any time.

Section 9. The board shall regulate the operation of state stores. It shall fix the days on which state stores shall be open and the hours of opening and closing. State Stores shall not be open on Sundays or during the time the polls are open on any general, primary or special election day.

Section 10. The board shall establish and manage as many warehouses as may be necessary, but not more than eight, for the storage of package liquors and the supply of state stores.

Section 11. The board shall acquire, by purchase or lease, equipment, materials, supplies and other property necessary for the operation of state stores in the manner required for the purchase or lease of property by other state departments. This requirement shall not apply to the purchases of alcoholic beverages for sale or to the leasing of premises for state stores or warehouses.

Section 12. In order to avoid the accumulation of excessive stocks in warehouses and stores, the board shall so plan its purchases of package liquors for sale in state stores that the stock on hand at any time does not exceed the estimated requirements for sixty days' sales.

Section 13. A manufacturer of package liquor offered for sale in state stores shall attach to each bottle a special label bearing an accurate description of the contents of the bottle in such form and detail as the board may require, and bearing such other seals and labels as the board may require.

Section 14. The board may, with the consent of the Governor, contract for the manufacture of package liquors for sale in state stores. Such liquors shall bear a special designation as a "state brand."

Section 15. The board shall require a sworn statement with the delivery of package liquors purchased by it that the goods are as represented, and do not contain any impure or deleterious matter. The board shall by frequent chemical analysis determine that package liquors offered for sale in state stores are pure, potable, and not misrepresented.

Section 16. The board may sell package liquors at wholesale to such persons authorized to purchase at wholesale.

Section 17. The sale of package liquors in state stores shall be for cash only.

Section 18. Not more than one gallon of package liquor shall be sold to a person at one time; but a sale in excess of one gallon may be made to a person authorized to purchase at wholesale, and to a religious organization purchasing wine for sacramental purposes.

Section 19. Package liquors shall not be sold to a person who is:

(1) Less than twenty-one years of age;

(2) An habitual drunkard;

(3) Intoxicated;

(4) Addicted to the use of narcotic drugs; or

(5) Mentally incompetent.

Section 20. A person, while on the premises of a state store, shall not:

(1) Break the seal upon any package liquors;

(2) Consume alcoholic beverages; or

(3) Loiter.

Section 21. A state store shall not display any alcoholic beverage or display or distribute any advertising matter, nor shall a person employed in a state store advertise, display or recommend any type, class or brand of alcoholic beverages, nor shall he discuss or comment upon the relative merits of any such beverages.

Section 22. The following funds are created in the State Treasury for the purpose of this Act:

(1) An operating fund, which shall be a revolving trust or agency fund from which expenses of operation and administration shall be paid except those authorized to be paid from the reserve fund; and to which moneys collected by the board shall be credited until that fund reaches an amount sufficient for the current and routine requirements of the department under this Act, this amount to be fixed by the board with the approval of the Governor, and not to exceed at any time the sum of six hundred fifty thousand dollars;

(2) A reserve fund, which shall be a reserve for contingencies and depreciation. This fund may be used for (a) the purchase of equipment and other property having a useful life of more than one year from date of purchase, and (b) transfer to the operating fund to meet unusual requirements arising in the course of business. Transfers from the reserve fund to the operating fund shall be made as follows: The board shall recommend such transfer to the Governor and the Governor shall draw the requisition if he approves the transfer. Moneys in the reserve fund not needed for cash reserve shall, with the approval of the Governor, be invested by the State Treasurer in obligations of the United States, of this State, or any of its subdivisions. Receipts in excess of the requirements of the operating fund shall be paid into the reserve fund until the amount of the reserve fund equals three hundred fifty thousand dollars. Receipts in excess of the requirements of the operating and reserve funds shall be paid into the General Fund of the State Treasury.

Section 23. Wherever in KRS Chapters 241, 242, 243 and 244 the word "wholesaler" appears it shall mean "The Department of Alcoholic Beverage Control."

Section 24. The provisions of KRS 243.710 to 243.870 shall not apply to package liquors purchased and sold through the state stores by the Department of Alcoholic Beverage Control.

Section 25. No license for the retail of package liquors after the effective date of this Act shall be issued.

Section 26. In order to place this Act in effective operation, there is hereby advanced to the Department of Alcoholic Beverage Control, out of the General Expenditure Fund in the State Treasury, for the fiscal year 1954-1955, the sum of six hundred and fifty thousand dollars. Such sum shall be credited to the operating fund provided for in section 22 and shall become a part of such fund and remain available for expenditure as provided in that section, except that when a sufficient sum has been accumulated by the board, out of operating receipts, to meet the requirements of section 22, the sum so advanced shall be repaid to the General Expenditure Fund.

Section 27. In order to give present retail and wholesale licensees an opportunity to dispose of their stocks and close their businesses, this Act shall not take effect until July 1, 1955, except such portions of the Act as are necessary to enable the board to prepare for the effective operation of the state monopoly on package liquors beginning as of July 1, 1955, including the purchase of the necessary stocks and the acquisition of the necessary personnel and facilities; as to such portions this Act shall take effect on July 1, 1954.

Section 28. Any person violating the provisions of Section 2 shall be fined not less than fifty dollars nor more than five thousand dollars or imprisoned for not less than thirty days nor more than two years, or both.

Section 29. Sections 243.240, 244.360, 244.380 to 244.470; subsections (2) and (3) of Section 243.230 and subsection (6) of Section 243.030 of the Kentucky Revised Statutes are repealed.

Section 30. Section 243.080 of the Kentucky Revised Statutes is amended to read as follows:

There shall be credited on the fee for retail drink licenses issued by the state one-half of any amount required to be paid to any county or city for the privilege for the same year, but the amount of the fee for the state shall not be reduced more than fifty percent.

Section 31. Subsection (2) of Section 243.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) The holder of a transporter's license may also hold a special storage or warehouse license. The holder of a wholesaler's license may also hold a special nonbeverage alcohol vendor's license, a special industrial alcohol license, or a vintner's license. The holder of a distiller's license may also hold a rectifier's license.

Section 32. Subsection (2) of Section 243.430 of the Kentucky Revised Statutes is amended to read as follows:

(2) No retail drink, or special private club license shall be issued in less than ten days or delivered in less than fifteen days from the time the application and remittances were received by the state administrator; except that a retail drink, or special private club license shall not be issued to an applicant who has not held a license during the same or preceding license period, or for a premises for which a license has not been issued during the same or preceding license period, in less than twenty days or delivered in less than thirty days from the time the application and remittances were received by the state administrator. All remaining licenses provided for in KRS 243.030 shall be issued at any time when, in the sound discretion of the Distilled Spirits Administrator, all of the information necessary has been obtained.

Said bill was ordered printed and referred.

Mr. Rouse moved that when the House adjourn, it adjourn out of respect for a former member, Mr. Henry Plumb, Representative from the 57th District in the 1938 Regular Session of the General Assembly of Kentucky.

Said motion was agreed.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, January 13, 1954.

Said motion was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 13, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris

Thomas J. Murphy	Lloyd E. Rogers	Hicks Wells
Goebel W. Newsom, Jr.	Joe Rouse	William B. Wells
Foster Ockerman	William A. Routh	Warren D. Williams
Louis T. Peniston	Cecil C. Sanders	Mrs. Randolph Wilson
Edward D. Pollitte	LeRoy Saylor	T. D. Winstead
Roger E. Qualls	W. R. Smith	Charles W. Wirsch
Paul T. Ratcliffe	Mrs. Thelma L. Stovall	Walker H. Wiseman
Jack Raybourne, Jr.	E. H. Stumbo	Dr. Clyde D. Wooton
Hobart Rayburn	James Treadway	Paul E. Young
L. M. Tipton Reed	Eulick Walsh	Charles W. Burnley, Speaker
Robert Reid	Will Tom Wathen	
Russell Reynolds	W. W. Webster	—95

Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, January 12, 1954, be dispensed with; and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to the following members: Mr. Bartley, Mr. Fitzpatrick, Mr. Waitman Taylor and Mr. Weintraub.

Said motion was adopted.

Mr. Montgomery moved that the following visitors be given the privilege of the floor for the day: Mrs. David Thomas, Mr. and Mrs. H. S. Sellers, Jr.

Said motion was agreed to.

Mr. Brown moved that the privilege of the floor for the day be granted to Professor Hartford and a group of German students from the University of Kentucky, and to Dr. Reeves and a group of students from the University of Kentucky.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS

Resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Dempsey, Mr. Stumbo, Mr. Newsom, Mr. Edmonds and Mr. Hill.

H. Res. No. 10. A JOINT RESOLUTION petitioning Congress to provide for the canalization and impounding of the Big Sandy River.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the state; and

WHEREAS, all the people of the Commonwealth benefit from the economic well-being of any of its sections; and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation; and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation; and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas; and

WHEREAS, the impounding of water for flood control and industrial purposes would eliminate the danger of serious floods and induce the location of industry in this area; and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being worthy projects of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river, and the impounding of water for flood control and industrial purposes. The Congress is

requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction of locks and dams can begin during the year 1954.

By Mr. Mitchell, Mr. Martin, Mr. Waitman Taylor, Mr. Moorman and Mr. Morris.

H. Res. No. 11. A JOINT RESOLUTION directing the Division of Services in the Department of Finance to allot parking space to members of the General Assembly and department heads whose offices are in the New Capitol Building.

Said Resolution is as follows, viz:

WHEREAS, a preponderance of state workers drive to work; and

WHEREAS, an astronomical number of persons work in the new annex and the new Capitol Building; and

WHEREAS, the General Assembly is now in session; and

WHEREAS, a preponderance of the members of the General Assembly drive to work; and

WHEREAS, the resulting concentration of automobiles in the area has resulted in chaos and confusion, and made parking a game of chance, and

WHEREAS, department heads who work in the New Capitol Building should be enabled to park near their offices; and

WHEREAS, members of the General Assembly, by virtue of their importance to the Commonwealth, should be speeded to their seats; and

WHEREAS, members of the General Assembly with physical handicaps should be furnished parking space commensurate with their infirmities;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Division of Services in the Department of Finance is hereby directed to allot and reserve parking space in close prox-

imity to the legislative chambers to all members of the General Assembly, and to furnish identifying stickers or plates for each member's automobile. Such stickers or plates shall bear the seal of the Commonwealth attesting to the fact that the holder thereof is a member of the General Assembly. The Division of Services is hereby directed to allot and reserve parking space at the nearest convenient entrance to the New Capitol Building to those members of the General Assembly who are physically handicapped, and to provide signs in said spaces bearing their names. The Division of Services is further directed to allot and reserve parking space for all department heads who work in the New Capitol Building.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Day and Mr. Wirsch.

H. B. No. 24. AN ACT relating to qualifications of members of Police and Fire Departments in cities of fourth and fifth classes, and amending Section 95.710 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

To be eligible for appointment as a member of the police force or fire department of a city of the fourth or fifth class, a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added

qualification cannot be secured, a residence of six months in the county shall be sufficient.

By Mr. Newsom and Mr. Edmonds.

H. B. No. 25. AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development and operation of an interstate park to be known as The Breaks Interstate Park.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Governor is hereby authorized and directed to execute, on behalf of the Commonwealth of Kentucky, the following compact with the Commonwealth of Virginia, which is hereby approved, ratified and enacted into law:

BREAKS INTERSTATE PARK COMPACT

Pursuant to authority granted by an Act of the 83rd Congress of the United States, being Public Law 275, approved August 14, 1953, the Commonwealth of Kentucky and the Commonwealth of Virginia do hereby covenant and agree as follows:

Article I.

The Commonwealth of Kentucky and the Commonwealth of Virginia agree to create, develop and operate an interstate park to be known as The Breaks Interstate Park, which shall be located along the Russell Fork of the Levisa Fork of the Big Sandy River and on adjacent areas in Pike county, Kentucky, and Dickenson and Buchanan counties, Virginia. Said park shall be of such area and of such character as may be determined by the commission created by this Compact.

Article II.

There is hereby created The Breaks Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate au-

thorities of Kentucky and Virginia. The commission shall consist of three commissioners from each of the two states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the Governor. Vacancies shall be filled by the Governor for the unexpired term. The term of one of the first commissioners appointed shall be for two years, the term of another for three years, and the term of the third for four years. Their successors shall be appointed for terms of four years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employe of the state, a political subdivision or the United States government may be appointed a commissioner under this act.

Article III.

The commission created herein shall be a joint corporate instrumentality of both the Commonwealth of Kentucky and the Commnowealth of Virginia for the purpose of effecting the objects of this Compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable by-laws, rules and regulations. The commission shall have the authority to acquire by gift, purchase or otherwise real estate and other property, and to dispose of such real estate and other property. Each Commonwealth agrees that it will exercise the right of eminent domain to acquire property located within each Commonwealth required by the commission to effectuate the purposes of this Compact.

Article IV.

The commission shall select from among its members a chairman and a vice-chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employes as may be required to carry the provisions of this Compact into effect, and shall fix and determine their duties, qualifications and compensation. It may

establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and incident to the performance of their duties. They shall take the oath of office required of officers of their respective states.

Article V.

Each Commonwealth agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the Compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representatives of the two Commonwealths as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each Commonwealth or by the Governor thereof.

Article VI.

The cost of acquiring land and other property required in the development and operation of The Breaks Interstate Park and constructing, maintaining and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

Article VII.

All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance and operation of the Park or for other Park purposes.

The commission shall not pledge the credit of either Commonwealth except by and with the authority of the General Assembly thereof.

Article VIII.

This Compact may be amended from time to time by the concurrent action of the two Commonwealths parties hereto.

2. All governmental agencies of the Commonwealth of Kentucky are authorized to cooperate with The Breaks Interstate Park Commission created by the Compact approved by this act, it being the policy of this Commonwealth to perform and carry out the Compact and to accomplish the purposes thereof.

The State Property and Buildings Commission is authorized to make appropriations to The Breaks Interstate Park Commission for the same purposes it is authorized to make expenditures for other state agencies. The State Property and Buildings Commission is authorized to exercise the right of eminent domain on behalf of the Commonwealth of Kentucky in acquiring land or other property required in the establishment or enlargement of The Breaks Interstate Park.

3. The Compact approved herein shall become effective upon ratification and approval of the Compact by the General Assembly of the Commonwealth of Virginia and upon approval of this Compact by the Congress of the United States.

4. Whereas the House of Delegates of the Commonwealth of Virginia and the Congress of the United States are now in session and action by them on this Compact is required in the near future to make this act effective, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

By Mr. Hill.

H. B. No. 26. AN ACT relating to taxation of pari-mutuel betting, earmarking revenue received therefrom for old age assistence, amending Sections 138.510 and 205.240 of the Kentucky Revised Statutes and repealing Section 47.012 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to ten percent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator).

Section 2. Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) All money appropriated by this state, all money received from the United States or any agency thereof, and all money received from any other source for the public assistance functions administered by the division are hereby appropriated and shall be available to the commissioner for expenditure consistent with the provisions of KRS 205.160 to 205.250 and KRS Chapter 195.

(2) Prior to July 1 of each fiscal year the commissioner shall allocate the money in the Public Assistance Fund to the three categories of public assistance provided for in KRS 205.160 to 205.250 and KRS 205.260 to 205.320; namely, needy children, needy aged and needy blind, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided, that the commissioner may, in

any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

(3) All money collected under KRS 138.510 shall be available to the commissioner, and shall be allocated by him entirely in the Public Assistance Fund to the category of the needy aged.

Section 3. Section 47.012 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Hill.

H. B. No. 27. AN ACT relating to compensation for court-appointed attorneys in criminal prosecutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any attorney appointed by the judge of a circuit court to represent a person who is financially unable to employ counsel for his defense in a criminal prosecution shall be allowed such fee not to exceed twenty-five dollars for the first day fifty dollars for each day thereafter that said council is actively engaged for his services, as may be set by the judge. Such fee shall be paid out of the general expense fund of the county in which the court sits.

By Mr. Breathitt, Mr. Morgan, Mr. Lambert, Mr. McCallum, Mr. Clay, Mr. Francis, Mr. Dressman, Mr. Brown, Mr. Weintraub, Mr. Ockerman, Mr. Heyburn, Mr. Melton, Mr. L. M. Tipton Reed, Mr. Peniston, Mr. Rouse, Mr. Sanders, Mr. Lowman, Mr. Webster, Mr. Harralson and Mr. Moorman.

H. B. No. 28. AN ACT relating to special circuit judges of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created the office of special circuit judge of the Commonwealth of Kentucky.

Section 2. Each person who, after the effective date of this Act, has served as a regular circuit judge in this Commonwealth and whose total service as a regular circuit judge, including service prior to the effective date of this Act, is as much as ten years, and who has contributed for a minimum of two years to the special circuit judge fund herein provided for, shall be eligible for appointment as a special circuit judge of the Commonwealth.

Section 3. Application for appointment as a special circuit judge shall be made to the Court of Appeals upon such forms and in such manner as may be prescribed by the Court of Appeals. The Court of Appeals shall appoint as a special circuit judge each person eligible therefor.

Section 4. Special circuit judges shall serve as special judges and perform such other duties as may be assigned them by the Court of Appeals or by the Chief Justice, and shall not hold any other public office or otherwise engage in the practice of law during their tenure as special circuit judges. Should any special circuit judge fail or neglect, without cause, to perform any duty assigned to him, the Court of Appeals shall forthwith remove him from his office by entering an order on its record, copies of which shall be transmitted to the person removed, the Department of Finance, and the special circuit judge committee.

Section 5. Each special circuit judge shall be paid out of the special circuit judge fund an annual salary of thirty-five hundred dollars, plus one hundred and fifty dollars for each year or major fraction thereof of service as a regular circuit judge in excess of ten years, provided that the number of years of service to be used in computing the compensation payable shall not exceed twenty. A special circuit judge who serves as a special judge shall be paid his expenses in the same manner and from the same source as provided by law for other special judges, if his service as a special judge requires that he be away from the county of his residence, but shall not receive a per diem.

Section 6. There is hereby established in the State Treasury a separate fund to be known as the special circuit judge fund. Each regular circuit judge shall contribute into this fund an amount equal to two percent of his annual salary as a circuit

judge paid by the state, such contribution to be deducted by the State Treasurer from the monthly pay of each circuit judge and credited in the special circuit judge fund to such circuit judge.

Section 7. The special circuit judge fund shall be under the exclusive control and management of a committee composed of a Justice or Commissioner of the Court of Appeals to be designated by the Chief Justice, three circuit judges to be selected by the circuit judges, and a member of the Kentucky Bar Association designated by the president of that organization. The terms of all members shall be for four years, beginning on July 1, 1954, and until their successors are appointed and qualify. Vacancies shall be filled by the original appointive or elective authority and shall be for the unexpired term. The members of the committee shall elect one of their number chairman and may designate the Secretary of the Judicial Council to act as secretary. The committee shall meet annually during the meeting of the Judicial Conference and at such other times and places as the chairman shall designate. The members of the committee shall be paid from the special circuit judge fund their necessary expenses in attending meetings of the committee.

Section 8. The committee may invest all or any part of the special circuit judge fund, not needed to compensate special circuit judges in War or Victory Bonds or other bonds of the United States of America. The committee shall have authority to make pro rata reductions in the compensation, payable under Section 5 hereof, when necessary to prevent exhaustion of the fund.

Section 9. Any circuit judge who has served less than ten years as a regular circuit judge and who attempts to continue in office by being a candidate for election and is defeated shall be refunded all contributions made to the fund by him upon the making of application therefor within one year from the date of said election.

Section 10. There is hereby appropriated to the special circuit judge fund, out of the General Expenditure Fund in the State Treasury, the sum of $32,800 for the fiscal year 1954-1955, and the sum of $7800 for the fiscal year 1955-56.

Section 11. This Act shall become effective on July 1, 1954.

By Mr. Craig, Mr. Holt, Mr. Mitchell, Mr. Marcum, Mr. Helm, Mr. Wirsch, Mr. Saylor, Mr. Dempsey, Mr. McFadden, Mr. Lambert, Mr. Treadway, Dr. Wooton, Mr. Duncan, Mr. Qualls and Mr. Buchanan.

H. B. No. 29. AN ACT relating to public assistance payments and repealing sections 205.260, 205.270, 205.280 and 205.290 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Messrs. Charles W. Buchanan, Charles W. Craig, Varna Holt, Alton B. Mitchell, William J. Marcum, Harold G. Helm, Charles W. Wirsch, LeRoy Saylor, Albert Dempsey, Caleb McFadden, James W. Lambert, James Treadway, O. O. Duncan and Roger E. Qualls introduced the following bill, which originated in the House, was ordered to be printed.

Section 205.260 to 205.290 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Kearby.

H. B. No. 30. AN ACT relating to the imposition of state occupational license taxes, and amending Section 137.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person for resale in this state cigarettes upon which the state cigarette tax has been paid, there is im-

posed a license fee of twenty-five dollars per annum. "Possessing" as used in this subsection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

(2) For each restaurant serving meals, a license fee of ten dollars per annum is imposed.

(3) For each retail outlet of soft drinks or ice cream, a license fee of five dollars per annum is imposed. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax of ten dollars per annum only shall be charged.

(4) For each theater, a license fee of twenty cents per seat per annum is imposed, the minimum charge to be ten dollars per annum. In case of open air or drive-in theaters, each parking space for a vehicle from which the performance may be viewed, shall be construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneducational or noncharitable organizations or persons use such buildings.

(5) For each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee of thirty dollars per annum for the first table or alley and five dollars per annum for each additional table or alley is imposed.

(6) For each place where tobacco products are sold at retail, a license fee of ten dollars per annum is imposed.

(7) For the privilege of engaging in the practice of being a medium, clairvoyant, soothsayer, fortune teller, palmist, phrenologist or spiritualist or like activity a license fee of twenty-five dollars per annum is imposed.

By Mr. Clay.

H. B. No. 31. AN ACT relating to reinstatement of War Veterans in public position or employment held before entering service, and amending section 61.370 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person (other than a person appointed for a definite term and those persons who received a dishonorable discharge) who has heretofore entered, or shall hereafter enter, service in the Armed Forces of the United States in the war with foreign powers which began on December 8, 1941, or in the Korean conflict which began on June 25, 1950, and who, at the time of entering such service, was employed in a position in any agency or department of the state government, or any political subdivision thereof, shall, upon being discharged from such service, be forthwith reemployed for a period of not less than one year at the same status in the same position in which he was employed at the time he entered service, or if such position no longer exists, in an existing or created position of equal class and compensation rate. Salary increments which would have normally accrued if the veteran had remained in the state service shall be added to the salary he was receiving at the time he entered service in the Armed Forces. If more than one person has entered the Armed Forces from the same position in any agency or department of the state government, or any political subdivision thereof, and each of such persons desires reemployment in such position, the one with seniority in time of service shall be reemployed in such position and the other shall be employed in the order of their entering military service.

(2) Any person entitled to reemployment under the provisions of this section who, upon application, is not reemployed as required by this section shall have a civil action for damages against the officer having the power of appointment to such position, and said action shall be brought in the courts of the county where the office of the person violating this section is

located. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to reemployment under this section, who fails, upon due application, to make such reemployment, shall be fined not less than one hundred dollars nor more than five hundred dollars, in the courts of the county where the offense is committed.

(3) This section is not intended to require the reemployment of any person unless such person makes application for reemployment within three months after his discharge from service in the Armed Forces nor unless such person is physically able to perform the duties of the position in which he seeks reemployment.

(4) "Person" as used in this section shall mean and include all employes other than heads of departments and those persons employed in an emergency, provisional temporary or probational status at the time of entering the military service.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following bills to the committees named, viz:

H. B. No. 5—Ways and Means

H. B. No. 6—Ways and Means

H. B. No. 17—Ways and Means

H. B. No. 18—Ways and Means

H. B. No. 19—Ways and Means

H. B. No. 20—Appropriations

H. B. No. 21—Ways and Means

H. Res. No. 11—Ways and Means

H. Res. No. 7—Ways and Means

S. Res. No. 7—Ways and Means

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment

of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; etc.

Said bill is as follows, Viz:

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population in the division of the state into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

1. That upon the basis of the entire population of the state, as of the last preceding Federal Census, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132 and 138 of the Constitution.

2. That the County of McCracken contains a city of more than twenty thousand inhabitants and has a population, including said city, of more than forty thousand, and thus has the privilege, under Section 138 of the Constitution, of constituting a judicial district.

3. That due to increased industrial development and the consequent increase in the business of the courts of the counties affected by this Act, it will expedite the business of the courts in the counties involved, will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population, to create a new judicial district to consist of the counties of Livingston, Marshall and Calloway, and to change the Second Judicial District so that it will consist of the County of McCracken only, the Third District so that it will consist of the counties of Christian, Lyon and Trigg, and the Fourth District so that it will consist of the counties of Caldwell, Crittenden and Hopkins.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.040 of the Kentucky Revised Statutes is amended to read as follows:

The state is divided into forty-three circuit court districts, each composed of the following counties:

(1) First District. Ballard, Carlisle, Fulton, Graves and Hickman.

(2) Second District. McCracken.

(3) Third District. Christian, Lyon and Trigg.

(4) Fourth District. Caldwell, Crittenden and Hopkins.

(5) Fifth District. Henderson, Union and Webster.

(6) Sixth District. Daviess, Hancock and McLean.

(7) Seventh District. Logan, Simpson and Todd.

(8) Eighth District. Allen and Warren.

(9) Ninth District. Breckinridge, Grayson, Hardin and Meade.

(10) Tenth District. Bullitt, Hart, Larue and Nelson.

(11) Eleventh District. Green, Marion, Taylor and Washington.

(12) Twelth District. Anderson, Henry, Oldham, Shelby, Spencer and Trimble.

(13) Thirteenth District. Boyle, Garrard, Lincoln and Mercer.

(14) Fourteenth District. Bourbon, Franklin, Scott and Woodford.

(15) Fifteenth District. Boone, Carroll, Gallatin, Grant and Owen.

(16) Sixteenth District. Kenton.

(17) Seventeenth District. Campbell.

(18) Eighteenth District. Harrison, Nicholas, Pendleton and Robertson.

(19) Nineteenth District. Bracken, Fleming and Mason.

(20) Twentieth District. Greenup and Lewis.

(21) Twenty-first District. Bath, Menifee, Montgomery and Rowan.

(22) Twenty-second District. Fayette.

(23) Twenty-third District. Estill, Lee and Owsley.

(24) Twenty-fourth District. Lawrence, Johnson and Martin.

(25) Twenty-fifth District. Clark, Jessamine and Madison.

(26) Twenty-sixth District. Harlan.

(27) Twenty-seventh District. Clay, Jackson and Laurel.

(28) Twenty-eighth District. Pulaski and Rockcastle.

(29) Twenty-ninth District. Adair, Casey, Cumberland and Monroe.

(30) Thirtieth District. Jefferson.

(31) Thirty-first District. Floyd.

(32) Thirty-second District. Boyd.

(33) Thirty-third District. Letcher and Perry.

(34) Thirty-fourth District. Knox, McCreary and Whitley.

(35) Thirty-fifth District. Pike.

(36) Thirty-sixth District. Magoffin and Knott.

(37) Thirty-seventh District. Carter, Elliott and Morgan.

(38) Thirty-eighth District. Butler, Edmonson, Muhlenberg and Ohio.

(39) Thirty-ninth District. Breathitt, Wolfe and Powell.

(40) Fortieth District. Clinton, Russell and Wayne.

(41) Forty-first District. Bell and Leslie.

(42) Forty-second District. Calloway, Livingston and Marshall.

(43) Forty-third District. Barren and Metcalfe.

Section 2. The present circuit judges and Commonwealth's attorneys for the Second, Third and Fourth Judicial Districts, as now constituted, shall retain their respective offices for the terms for which they were elected, for the said districts as they have been changed under this Act.

Section 3. The regular terms of circuit court in the 42nd Judicial District created by this Act shall commence in each county thereof at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

(42) Forty-second District. Livingston County, at Smithland, on the second Monday in April, eighteen juridical days; the second Monday in August, eighteen juridical days; and the first Monday in December, eighteen juridical days.

Marshall County, at Benton, on the second Monday in January, eighteen juridical days; on the second Monday in March, eighteen juridical days; on the second Monday in June, eighteen juridical days; and on the third Monday in October, eighteen juridical days.

Calloway County, at Murray, on the first Monday in February, twenty-four juridical days; on the first Monday in May, twenty-four juridical days; on the third Monday in September, twenty-four juridical days.

Section 4. The offices of circuit judge and Commonwealth's attorney for the new judicial district established by this Act, being the 42nd Judicial District, are hereby created. Until the next regular election for circuit judges and Commonwealth's attorneys following the effective date of this Act, said offices shall be filled as provided by Section 152 of the Constitution for offices in which there is a vacancy.

Section 5. The introductory phrase and subsections (2), (3) and (4) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(2) Second District. McCracken County, at Paducah, continuous session.

(3) Third District. Christian County, at Hopkinsville, on the second Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; on the third Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, third Monday in August and first Monday in December, twelve juridical days each.

Trigg County, at Cadiz on the fourth Monday in January, the third Monday in May and first Monday in September, twelve juridical days each.

(4) Fourth District. Caldwell County, at Princeton, on the first Monday in March, twelve juridical days; on the first Monday in June and fourth Monday in October, eighteen juridical days each.

Crittenden County, at Marion, on the third Monday in March and fourth Monday in June, eighteen juridical days each; on the third Monday in November, twelve juridical days.

Hopkins County, at Madisonville, on the first Monday in February, first Monday in May and fourth Monday in September, twenty-four juridical days each.

Section 6. This Act shall become effective on the twenty-eighth day of June, 1954.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Morgan moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Harris moved that the title of H. B. No. 8 be amended as follows:

To be known as the Burnley, Morgan and McCallum Act.

Said motion was agreed to and said amendment adopted.

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Lowman moved that the House recess for fifteen minutes.

Said motion was agreed to.

The fifteen minutes having expired, the Speaker resumed the chair.

Mr. Lowman moved that the rules of the House be suspended for the purpose of receiving committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported bills and resolutions of the following titles, viz:

H. B. No. 19. AN ACT relating to excise tobacco taxes.

H. B. No. 17. AN ACT relating to alcoholic beverage excise taxes.

H. B. No. 18. AN ACT relating to pari-mutuel and other similar systems of betting, including taxation thereof.

H. B. No. 21. AN ACT relating to income taxes.

JOINT RESOLUTION No. 11. A JOINT RESOLUTION directing the Division of Services in the Department of Finance to allot parking space to members of the General Assembly and department heads whose offices are in the New Capitol Building.

With the expression of opinion that same should pass.

Whereupon, said bills and resolutions were read at length for the first time and

Ordered placed in the calendar.

Mr. George F. Harris, Chairman of the Committee on Appropriations, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 20. AN ACT, relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

SENATE MESSAGE

A message was received from the Senate that they had passed a joint resolution originating in that body as follows, viz:

JOINT RESOLUTION No. 7. A JOINT RESOLUTION inviting Alben W. Barkley to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Honorable Alben W. Barkley be, and he hereby is respectfully invited to address a joint session of the General Assembly of the Commonwealth of Kentucky; and the Clerk of the Senate and the House is hereby instructed to notify the Honorable Alben W. Barkley of the wishes of the General Assembly in this matter.

Said resolution was ordered referred.

Mr. Morgan moved that the Speaker direct the Clerk to purchase and have placed in each of the committee rooms, the

Speaker's office and the office of the Floor Leader and Caucus Chairman, a copy of the Kentucky Revised Statutes.

Said motion was agreed to.

Mr. Lambert moved that the rules of the House be suspended for the purpose of making a motion, making H. B. No. 20 a special Order of Business for Tuesday, January 26, 1954, at 2:00 P. M.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 3. AN ACT changing the classification of the City of Calvert City in Marshall County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Calvert City, in Marshall County, is such as to justify its being assigned to the fifth class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Calvert City, in Marshall County, is hereby transferred from the sixth to the fifth class of cities.

Mr. McCallum offered the following amendment, viz:

Amend printed copy of H. B. No. 3 on page 1, add lines 3, 4, 5, 6, 7, 8, 9, and 10.

WHEREAS, the population of the town of Calvert City is increasing so rapidly and municipal activities not permissable under the charters of sixth class towns should be inaugurated at once and could be inaugurated under fifth class charter, an emergency exists and this act shall take effect upon its passage and approval by the Governor.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin

Carl D. Melton	Paul T. Ratcliffe	James Treadway
Alton B. Mitchell	Jack Raybourne, Jr.	Eulick Walsh
Tom Mobley	Robert Reid	Will Tom Wathen
Robert K. Montgomery	Russell Reynolds	W. W. Webster
	Lloyd E. Rogers	Hicks Wells
Walter R. Moorman	Joe Rouse	William B. Wells
Fred Morgan	William A. Routh	Warren D. Williams
Eddie J. Morris	Cecil C. Sanders	Mrs. Randolph Wilson
Thomas J. Murphy	LeRoy Saylor	
Goebel W. Newsom, Jr.	W. R. Smith	T. D. Winstead
	Mrs. Thelma L. Stovall	Charles W. Wirsch
Foster Ockerman		Walker H. Wiseman
Louis T. Peniston	E. H. Stumbo	Dr. Clyde D. Wooton
Edward D. Pollitte	C. Waitman Taylor	Paul E. Young
Roger E. Qualls		—92

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 5. A JOINT RESOLUTION naming a successor to the post of Poet Laureate of Kentucky.

Said resolution is as follows, Viz:

Whereas, the death of the Poet Laureate, the beloved J. T. Cotton Noe, has left Kentucky in need of one who truly represents its great spirit and traditions, and

Whereas, the people of Kentucky desire to honor their men and women who have achieved distinction in any calling or profession, and

Whereas, there now resides within Kentucky a native son, Jesse Hilton Stuart, who is known and recognized throughout the nation as a writer and poet of eminent distinction, and

Whereas, he has written many short stories, novels such as "Taps for Private Tussie" and "The Good Spirit of Laurel Ridge",

and the volumes of poetry, "Man With A Bull-Tongue Plow", "Album of Destiny" and "Kentucky Is My Land", and

Whereas, he was awarded the Guggenheim fellowship for European travel in 1937; the Jeanette Sewal Davis poetry prize in 1934; a prize from the Academy of Arts and Sciences in 1941 and the Thomas Jefferson Southern Award in 1943, and

Whereas, he has valiantly served his country and State as seaman and as an officer in the United States Navy during World War II, and

Whereas, Jesse Hilton Stuart has, in his devoted and enthusiastic service to his State, as well as in his writings, shown the greatest understanding and appreciation of Kentucky and its people: THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Jesse Hilton Stuart be hereby declared to be Poet Laureate of Kentucky and that he be privileged to enjoy all the honors incidental thereto.

It is expressly understood, however, that this declaration of distinction is an honorary one only and bears with it no financial obligation upon the Commonwealth of Kentucky.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with,

said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Said resolution was adopted by a voice vote.

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Thursday, January 14, 1954.

Said motion was adopted.

And then the House adjourned.

THURSDAY, JANUARY 14, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	John Young Brown	John L. Day
Walter J. Bailey	Charles W. Buchanan	Albert Dempsey
John Rhea Banton	Harry M. Caudill	C. E. Dowell
Owen Billington	Cassius M. Clay	James A. Dressman, Jr.
Leo A. Bleemel	Paul Cobb	O. O. Duncan
J. Murray Blue	R. Josh Cosby	Harold Edmonds
J. C. Bradley	Vernor O. Cottengim	Addison L. Everett
Edward T. Breathitt, Jr.	Charles W. Craig	Herbert Fern
	W. Marvin Davis	

Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Mr. Lowman moved that the reading of the Journal of the proceedings of Wednesday, January 13, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to the following members: Mr. Clarence J. Barnum, Mr. Bartley, Mr. Baumgardner, Mr. Bridgers, Mr. Conley, Mr. Harralson, Mr. Heskamp, Mr. Murphy, Mr. Rogers, Mr. Weintraub.

Said motion was agreed to.

Mr. Heyburn moved that H. B. No. 20 be returned to the Appropriations Committee for eighteen legislative days for the purpose of making a more complete investigation of its contents;

that the Committee call in and interview individual department and service heads, and leaders of State institutions with respect to their particular appropriations; and that public hearings be held if the Committee feels they are necessary.

Said motion was disagreed to.

SENATE MESSAGE

A message was received from the Senate that they had adopted a concurrent resolution originating in that body as follows, viz:

SENATE CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn Friday, January 15, 1954, they adjourn to meet again on Wednesday, January 20, 1954, at 3:00 o'clock P. M.

Mr. Lowman moved that said resolution be adopted.

Said motion was agreed to.

The Senate message also announced that they had passed resolutions originating in the House of the following titles viz:

H. Res. No. 1. A JOINT RESOLUTION providing for the purchase and distribution of the Legislative Record, and declaring an emergency.

H. Res. No. 2. A JOINT RESOLUTION appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the House, and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate and declaring an emergency.

Ordered that the said resolutions be delivered to the Enrolling Clerk.

Mr. Brown moved that H. B. No. 7 be refrered to the Committee of the whole House and set it for a public hearing before the Committee of the whole House on February 2, 1954, at the hour of 2 P. M. and that one hour be assigned to the proponents and a like time to the opponents to present their views.

The Speaker asked Mr. Brown is he would revise that motion. Mr. Brown agreed and moved that when H. B. No. 7 is referred to a committee, the committee make the bill a special order for February 2, 1954, at 10 o'clock A. M.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

By Mr. Cosby and Mr. Jones.

H. Res. No. 12. A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider burley tobacco acreage reduction in the Comonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

Said resolution is as follows, viz:

WHEREAS, severe drouth has drastically curtailed burley tobacco production in the Commonwealth; and

WHEREAS, public consumption of products in which burley tobacco is used increases daily; and

WHEREAS, a reduction in burley tobacco acreage would create a deplorable shortage of this product on the market; and

WHEREAS, the burley tobacco acreage allotted in the Commonwealth at present is not excessive; and

WHEREAS, the economy of the Commonwealth depends heavily upon burley tobacco production; and

WHEREAS, farm prices have recently declined with alarming rapidity;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky, respectfully urges and solicits the U. S. Secretary of Agriculture to reconsider and remand any order reducing burley tobacco acreage in the Commonwealth of Kentucky.

Section 2. The Clerk of the House of Representatives is hereby directed to forward a copy of this Resolution to the U. S. Secretary of Agriculture.

By Mr. Maglinger.

H. B. No. 32. AN ACT relating to compensation of members of the General Assembly and the Lieutenant-Governor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each member of the General Assembly and the Lieutenant-Governor of the Commonwealth shall be paid each month, the sum of one-hundred dollars. The sum so received by each member of the General Assembly and the Lieutenant-Governor shall be applied in payment or reimbursement of official expenses in a manner deterimned by the members of the General Assembly and the Lieutenant-Governor.

Section 2. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each member of the General Assembly and Lieutenant-Governor, for the sums prescribed in Section 1 of this Act. These sums shall be paid from the general fund.

Section 3. The sums provided for in Sections 1 and 2 of this Act shall not be paid when members of the General Assembly and the Lieutenant-Governor are in official session.

Section 4. Whereas, present economic conditions are such as to impose an unconscionable burden upon the General Assembly and the Lieutenant-Governor of the Commonwealth, and to create a threat to the expeditious administration by the mem-

bers of the General Assembly and the Lieutenant-Governor of duties to their constituents, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Smith.

H. B. No. 33. AN ACT giving to water districts owning water and/or gas distribution systems priority to serve water and/or gas within the district.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That whenever a water district has duly acquired or established a water distribution system as authorized by Chapter 74 of Kentucky Revised Statutes, no water may be purchased for use within the district from any source not owned or operated by the district unless and until the district has rejected in writing an application of such person to be served by the district. No other organization or person shall serve any organization or person water for use within the district until such application has been duly rejected.

(2) That whenever a water district has duly acquired or established a gas distribution system as authorized by KRS 74.400, no gas may be purchased for use within the district from any source not owned or operated by the district unless and until the district has rejected in writing an application of such person to be served by the district. No other organization or person shall serve any organization or person gas for use within the district until such application has been duly rejected.

By Mr. Smith.

H. B. No. 34. AN ACT relating to the method of financing improvements to streets in cities of the second to the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Subsection (6) of section 94.317 of the Kentucky Revised Statutes is hereby amended to read as follows:

"The city treasurer shall cause to be placed upon the regular city tax bills each installment due under subsection (3) or (4) of this section, with the interest payments due under subsection (5) of this section added thereto so as to make one sum. If such sum is not paid by the date the regular city taxes covered by the bill are due, the sum shall bear interest, at the rate applicable to regular city taxes, from that date until the date as of which the regular city taxes covered by the bill become subject to interest and penalty. The sum shall then become subject to interest and penalty the same as the regular city taxes, and shall be collectible and be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply. The improvement tax installments shall be paid to the officer who is authorized to receive payments of regular city taxes. However, no discount allowable for early payment of regular city taxes shall be allowed for early payment of an improvement tax."

(2) Section 94.317 of the Kentucky Revised Statutes is amended so as to add the following subsections:

"(8) In the original ordinance providing for a public improvement the city legislative body shall have the further alternative of providing that the improvement tax shall be payable in a certain number of installments determined by the city, not exceeding a total of 20 annual installments. The city legislative body shall have the right to determine on what date the first installment shall fall due, the dates of the subsequent installments and the times when interest shall become due for the period from the original due date for the improvement tax to the dates upon which the principal amounts of such improvement tax fall due. If any improvement tax or installment or installments of same are not paid in accordance with the provisions adopted by the legislative body of the city under such alternative plan, the amount or amounts owing shall be placed upon the regular city tax bills next becoming due, and said amounts shall be collected in the same manner, by the same persons and subject to the same provisions as to interest and penalties as govern the collection of regular city taxes.

"(9) In any case in which a judgment of a court has been

obtained against a city, under which such city has been ordered to collect any improvement tax, such city shall have the right and power to issue bonds payable during a period not exceeding 20 years from their date, use the proceeds of such bonds to retire the indebtedness for which the city was required to collect such improvement tax and provide that such improvement tax, together with interest thereon, shall be payable at such times and in such installments as may be necessary to retire the principal and interest on such bonds issued. Such bonds, when issued, shall be negotiable, and the holder or holder of same shall be entitled to all of the rights and privileges which exist in favor of the holders of all other bonds issued pursuant to the provisions of sections 94.290 through 94.325 of Kentucky Revised Statutes. The city, in connection with the issuance of such bonds, shall have the right to make such binding covenants as it may deem necessary for the protection of the holders of such bonds."

(3) Section 94.321 of the Kentucky Revised Statutes is amended so as to add the following subsections:

"(8) If a city adopts the alternative provided for under subsection (8) of section 94.317 of Kentucky Revised Statutes, such city shall have the right to issue bonds maturing at such times as may be determined by the city, not exceeding 20 years from their date, and shall pledge such improvement tax provided for under subsection (8) of section 94.317 of Kentucky Revised Statutes to the payment of such bonds. Such bonds shall be negotiable, and the holder of same shall be entitled to all rights and privileges granted to the holders of any other bonds which are issued pursuant to the provisions of sections 94.290 through 94.325 of Kentucky Revised Statutes. The city shall have the right to make such covenants in connection with the issuance of such bonds as may be deemed necessary for the protection of the holders of same.

"(9) Any bonds isssued under the provisions of this section may be designated as 'Improvement Revenue Bonds,' with the asssesments herein provided treated as revenues of such improvements and pledged to the payment of said bonds in the same manner as other revenue bonds authorized by law. The street improvements or other improvements herein referred to

may be combined with any other revenue project as one revenue project which may be financed by the issuance of revenue bonds under the provisions of this or any other law. The proceeds of the installment payments herein authorized may be pledged to the payment of such revenue bonds in the same manner as the revenues of any other public revenue project and in the same manner as any part of any public revenue project combined with such improvements."

(4) Subsection (1) of section 94.322 of the Kentucky Revised Statutes is hereby amended to read as follows:

"Improvement bonds issued under KRS 94.321, and the interest thereon, shall be payable exclusively out of the funds actually collected by the city on account of the improvement taxes in anticipation of which the bonds are issued, and, except as provided in KRS 94.305, KRS 94.323 and herein, the city shall in no event be liable on any such bonds except to the extent of funds so actually collected. If, after the collection by the city of the improvement tax from property owners, any improvement bonds or interest thereon remain unpaid, the city shall thereupon be personally and directly liable for the unpaid balance of such interest and principal and shall levy and collect to the extent necessary general taxes for the payment thereof."

(5) Subsection (3) of section 94.322 of the Kentucky Revised Statutes is hereby amended so as to read as follows:

"(3) After the issue of bonds no suit shall lie to enjoin or resist the collection of any improvement tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped from assailing the effectiveness or validity thereof, nor shall any suit be brought or defended on the ground that the assessment exceeded the maximum percentage of the value of the real estate levied against as provided in KRS 94.305.

"Any action challenging the validity of any ordinance, resolution or other action taken by the city in connection with the issue of bonds shall be brought within 30 days from the date on which the bond ordinance was adopted authorizing the issuance

of such bonds and if not brought within such time shall be forever barred.

"Any municipality exercising any of the powers granted under KRS 94.290 through 94.325 and any person accepting benefits conferred thereby shall be estopped to question the validity of any provision of KRS 94.290 through 94.325."

(6) If any section, paragraph, clause or provision of this Act should ever be held invalid, such shall not affect the validity of all remaining provisions of this Act, it being the intent that this Act should be severable in its provisions.

By Mr. McClanahan.

H. B. No. 35. AN ACT relating to members of city council and city officers in cities of the fourth class, and amending subsection (1) of Section 86.050 of the Kentucky Revised Statutes and Section 86.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 86.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Members of the city council shall be elected for terms of two years.

Section 2. Section 86.230 of the Kentucky Revised Statutes is amended to read as follows:

All city officers, including members of the city council, shall take office on the first Monday in January following their election or appointment. Any officer appointed by the city council shall be appointed by the council elected at the November election preceding the commencement of his term.

By Mr. Dempsey and Mr. Wells.

H. B. No. 36. AN ACT relating to public assistance payments and repealing Section 205.260, 205.270, 205.280 and 205.290 of the Kentucky Revised Statutes.

Said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 205.260, 205.270, 205.280 and 205.290 of the Kentucky Revised Statutes are hereby repealed.

Section 2. Any claims asserted by the state against the estates of deceased recipients of public assistance, any precipitated claims against living recipients of public assistance and any liens asserted by the state against the real estate or rights to real estate of public assistance recipients under the authority of KRS 205.260, 205.270, 205.280 and 205.290 are hereby declared to be null and void. Any money received by the state in the assertion of such claims or the enforcement of such liens shall be repaid to such public assistance recipients or their estates from the special account in the revolving trust and agency fund account of the department into which such money has been deposited.

By Mr. McCallum.

H. B. No. 37. AN ACT relating to loan and investment companies in cities of the first five classes and amending Sections 291.120 and 291.150 of the Kentucky Revised Statutes.

Said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 291.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any five or more persons may organize a loan and investment company in cities of the first, second, third, fourth and fifth class upon the terms and conditions and subject to the liabilities prescribed in KRS 291.120 to 291.160.

(2) The name of the company may contain the words "industrial bank." It shall not be necessary for any such company to use the word "incorporated" in addition to its corporate name, either in its place of business or on any printed or advertising matter.

(3) The capital stock of any such loan and investment

company shall not be less than $25,000 if located in a city of the first, second or third class or less than $12,500 if located in a city of the fourth or fifth class. Fifty percent of the capital stock shall be paid in cash before the company may transact any business other than that relating to its formation and organization, and the remainder of the capital stock shall be paid in in money within one year after the company is authorized to commence business at such times and in such amounts as the directors require.

Section 2. Section 291.150 of the Kentucky Revised Statutes is amended to read as follows:

No company organized under KRS 291.120 shall:

(1) Hold at any one time the obligation or obligations of any person, firm or corporation for more than two thousand dollars;

(2) Make any loan for a longer period than two years; or

(3) Deposit any of its funds with any bank or trust company unless such bank or trust company has been designated as such depository by vote of the majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

By Mr. Caudill, Mr. Davis and Mr. Francis.

H. B. No. 38. AN ACT relating to probation and parole.

Said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person convicted of a felony shall be eligible for more than one grant of either probation or parole. Probation or parole of one so convicted shall bar both probation and parole of that person upon conviction for a subsequent offense.

By Mr. Routh.

H. B. No. 39. AN ACT relating to teacher retirement allowances, and amending Section 161.620 of the Kentucky Revised Statutes.

Said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 161.620 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The retirement allowance of a member retiring for superannuation whose age of retirement is seventy years or over shall be one and one-half percent of his average annual prior service salary for each year of prior service and two percent of his average annual subsequent service salary for each year of subsequent service. The retirement allowance of a member retiring for superannuation whose age at time of retirement is sixty years and less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the system. The retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the actuary of the retirement system and approved by the Board of Trustees.

(2) For any member retiring on or after July 1, 1946, no retirement allowance shall be greater than one-half of the member's average annual salary, nor greater than twelve hundred dollars.

(3) Effective July 1, 1954, and including living retired members and members who retire subsequently, the total minimum allowance shall not be more than seven hundred and twenty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Said bills and resolutions ordered printed and referred.

CALENDAR

The House took up for consideration from the Calendar House Resolutions and Bills of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said resolutions be dispensed

with, and said resolutions be read for the second time by their title only.

Said motion was agreed to.

H. B. No. 19. AN ACT relating to excise tobacco taxes.

H. B. No. 17. AN ACT relating to alcoholic beverage excise taxes.

H. B. No. 18. AN ACT relating to pari-mutuel and other similar systems of betting, including taxation thereof.

H. B. No. 21. AN ACT relating to income taxes.

H. Res. No. 11. A JOINT RESOLUTION directing the Division of Services in the Department of Finance to allot parking space to members of the General Assembly and department heads whose offices are in the New Capitol Building.

H. B. No. 20. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other State supported activities.

Ordered that each of said bills and resolutions be placed in the Orders of the Day.

Mr. Lowman moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Lowman moved that Miss Pamella Brown, daughter of the Honorable John Young Brown, member of the House of Representatives, be made an honorary page.

Said motion was agreed to.

The Clerk announced that the Committee on Committees had appointed the following committees, viz:

ENROLLMENT

Chairman: Stovall, Mrs. Thelma L.

Fern, Herbert

Hilton, Estill R.

Lacy, Talmage

Montgomery, Robert K.

Murphy, Thomas J.

Wells, William B.

Wiseman, Walker H.

Young, Paul E.

Taylor, C. Waitman

Mr. Lowman moved that the House recess for fifteen minutes.

Said motion was agreed to.

Fifteen minutes having expired, the Speaker resumed the chair.

REPORT OF THE ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment to which same had been referred, reported that they had examined and found to be correctly enrolled resolutions of the following titles, viz:

H. Res. No. 1. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Record" and declaring an emergency.

H. Res. No. 2. A JOINT RESOLUTION appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand Dollars for a contingent fund for the Clerk of the House and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION appropriating additional compnesation for officers and employees of the House and Senate and declaring an emergency.

Thereupon, all other business was suspended, said Resolutions were reported to be correctly enrolled, and thereupon, the Speaker, in the presence of the House, affixed his signature on said Resolutions.

Ordered that the Enrolling Clerk of the House deliver said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said resolutions duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the House do now adjourn until 10 o'clock A. M. Friday, January 15, 1954.

Said motion was agreed to.

The House was then adjourned.

FRIDAY, JANUARY 15, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	R. Josh Cosby
Walter J. Bailey	Edward O. Bridgers	Vernor O. Cottengim
John Rhea Banton	John Young Brown	Charles Craig
Charles E. Baumgardner, Sr.	Charles W. Buchanan	W. Marvin Davis
Owen Billington	Harry M. Caudill	John L. Day
Leo A. Bleemel	Cassius M. Clay	Albert Dempsey
J. Murray Blue	Paul Cobb	C. E. Dowell
J. C. Bradley	William J. Conley	James A. Dressman, Jr.
		O. O. Duncan

Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Mr. Edmonds moved that the reading of the Journal of the proceedings of Thursday, January 14, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to the following members: Mr. Barnum, Mr. Bartley and Mr. Hicks Wells.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Caudill.

H. B. No. 40. AN ACT relating to public assistance payments and repealing Sections 205.260, 205.270, 205.280 and 205.290 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 205.260, 205.270, 205.280 and 205.290 of the Kentucky Revised Statutes are hereby repealed.

Section 2. Any claims asserted by the state against the estates of deceased recipients of public assistance, any precipitated claims against living recipients of public assistance and any liens asserted by the state against the real estate or rights to real estate of public assistance recipients under the authority of KRS 205.260, 205.270, 205.280 and 205.290 are hereby declared to be null and void. Any money received by the state in the assertion of such claims or the enforcement of such liens shall be repaid to such public assistance recipients or their estates from the special account in the revolving trust and agency fund account of the department into which such money has been deposited.

By Mrs. Stovall, Mr. Hilton, Mr. Jones, Mr. Morgan, Mr. Cottengim, Mr. Williams, Mr. Walsh, Mr. Conley, Mr. Murphy, Mr. Anderson, Mr. Breathitt, Mr. McCallum, Mr. Lacy, Mr. Reynolds and Mr. Martin.

H. B. No. 41. AN ACT relating to holidays.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birth-

day), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, the day of every regular primary election held under Chapter KRS 119 and the day of every regular election held under Chapter KRS 118, and all days appointed by the President of the United States or by the Governor as days of Thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notices of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

By Mr. Dempsey.

H. B. No. 42. AN ACT relating to marriage licenses, and amending Section 402.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.080 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is of full age or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) No county clerk shall issue a marriage license until the application for a marriage license remains on file, open to the public, in the office of the county court clerk, for three days before license is issued.

(3) Application by parties both of whom are over the age of twenty-one years shall not be subject to the three-day waiting period.

By Mr. Maglinger.

H. B. No. 43. AN ACT relating to statutory liens on motor vehicles and boats, amending KRS 376.270 and KRS 376.280.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 376.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person engaged in the business of selling, repairing, storing, furnishing parking facilities for, or furnishing accessories or supplies for motor vehicles shall have a lien on the motor vehicle for the reasonaable or agreed charges therefor, and may detain any motor vehicle in his possession on which work has been done by him, or for which storage or parking facilities have been furnished, until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the motor vehicle from the garage or premises of the person storing, furnishing parking facilities, performing labor, repairing, or furnishing accessories or supplies therefor, if the lien shall be asserted within ninety days by filing in the office of the county clerk a statement showing the amount and cost of materials furnished or labor performed on the vehicle, or storing or parking charges therefor. The statement shall be filed in the same manner as provided in the case of a mechanic's or materialman's lien, after removal of the vehicle.

(2) The lien shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, or the storing or furnishing of parking facilities for the vehicle.

(3) If the account remains unpaid thirty days after the repairs have been made, the work has been completed, the accessories or supplies have been furnished, or the first day on which the storage or parking of the vehicle commenced, the lien holder, by giving the notice hereinafter provided, may sell the vehicle at public sale at the lien holder's place of business for the charges due, the cost of giving notice, and the cost of the sale. The purchaser of the vehicle, and any subsequent purchasers thereof, shall buy the vehicle subject to all liens or mortgages created prior to the time provided in subsection 2 hereof, but free of all other liens or mortgages.

(4) The proceeds of the sale, after paying the expenses thereof, shall be applied in liquidation of the indebtedness secured by the lien, and the balance, if any, shall be held for a period of thirty days for the owner, and if it is not called for in that time it shall be paid to the Department of Revenue of the Commonwealth of Kentucky. The Commissioner of Revenue shall hold same subject to those equitably entitled thereto for a period of two years and if not claimed within that period of time it shall escheat to the Commonwealth of Kentucky.

(5) The notice required by this Act shall be by mailing a registered letter to the owner, if his name and address are known by the lien holder, and if both are not known by the lien holder, then to the person appearing to be the owner by and at his address as appearing on the records of the governmental agency where the vehicle was last licensed, and to the Department of State Police at Frankfort, Kentucky, at least fourteen days prior to the day of the sale, and by advertising the proposed sale for six of the ten days next before the day of the sale in some newspaper of general circulation in the county where the sale is to be held. The notice shall show the sum due, the time and place of the sale, the license and motor or chassis number of the vehicle, and the name and address of the lien holder.

(6) A certified copy of the bill of sale, showing transfer of title under the provisions of this Act shall be filed with the office of the governmental agency where the vehicle last was registered for license within twenty-four hours after such sale.

The county court clerk shall be paid the regular transfer of title fee for noting the change of title and shall show on the records that the change of title is under this Act. Failure to file the bill of sale as provided herein shall make the vehicle subject to all liens or mortgages prior to the filing of same.

Section 2. Section 376.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any boat remaining in the possession of a person who has made repairs, performed labor or furnished accessories or supplies therefor and to whom the charges for such repairs, labor, accessories or supplies has been owing for a period of more than thirty days, may be sold to pay such deferred purchase money or charges. The proposed sale shall be advertised at least three times in some newspaper of general circulation in the city or county where the original sale was affected or where the materials were furnished or where the labor was performed, the last such advertisement to be made at least six days before the sale is held, and notice thereof shall be sent by registered mail to the owner of the boat and to any other person known to have any interest therein, addressed to such persons at their last known addresses, at least ten days before the sale is held.

(2) The term "boat", as used in subsection (1) of this section, means any water-craft not enumerated in subsection (1) of KRS 376.360 and sloops having an overall length of forty feet or less.

By Mr. Maglinger.

H. B. No. 44. AN ACT to provide for the method of bailing personal property other than automobile equipment left in a motor vehicle when such vehicle is parked in a garage or establishment providing for the parking, repairing or storage of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person or organization engaged in the business

of repairing, garaging, or renting parking space for motor vehicles or permits its premises to be used for the parking of motor vehicles shall be held to have accepted for bailment any personal property not part of the equipment of the vehicle but left therein when the vehicle is left in such garage, parking establishment, or parking premises, unless the owner of such personal property obtains a written receipt therefor from the proprietor or an employee of the garage or parking establishment, describing the personal property and setting a value thereon.

(2) The garage or parking establishment shall have a sign of not less than twenty-four inches by thirty-six inches measurement having bold lettering bearing the inscription, "Not responsible for undeclared articles left in vehicles. See management." The sign shall be placed in a conspicuous place at or near the entrance of the establishment, at or near the eye level of a motorist seated in a passenger automobile, and shall be well lighted at all times while the establishment is open for business.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 19. AN ACT relating to excise tobacco taxes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (1) of Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco, or any substitute for tobacco, at the rate of three cents on each twenty cigarettes or fraction thereof. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

Sec. 2. Section 138.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Cigarette tax stamps shall be purchased only from the Department of Revenue. The department may prescribe rules and regulations governing their sale and distribution.

(2) The department shall prescribe the forms of the cigarette tax stamps, and shall have the stamps prepared for sale in such a manner as it deems proper.

(3) The stamps shall be sold at their face value but the department shall allow each wholesaler required or authorized by the department to purchase and affix stamps, for each three dollars' worth of stamps purchased at their face value and affixed by the wholesaler, an amount of stamps equal to eighteen cents at their face value as compensation for affixing the stamps and making such reports as the department may require. This allowance shall be made only when the department is satisfied that the stamps purchased were actually used as provided by the department and the required reports were made.

Sec. 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon all cigarettes upon which the tax imposed by subsection (1) of KRS 138.140 as such statute existed on January 1, 1954, has been paid, and which on July 1, 1954 are held and intended for sale, there shall be levied, assessed, collected and paid a "floor stocks" tax at rates equal to three cents on each twenty cigarettes or fraction thereof, less the credits allowed under subsection (2) of this section.

(2) The tax levied under subsection (1) of this section shall be credited with the amount of taxes paid pursuant to subsection (1) of KRS 138.140 as such statute existed on January 1, 1954 on cigarettes subject to the tax levied by subsection (1) of this section.

(3) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before July 15, 1954, make a return and pay such tax to the Department of Revenue. Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.

(4) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (3) of this section for payment shall pay a penalty of twenty percent of the amount

of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed only as provided in KRS 131.110 and KRS 131.120.

(5) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars or be imprisoned for not less than thirty days nor more than one year, or both.

Sec. 4. This Act shall become effective on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	Charles W. Craig
Walter J. Bailey	Edward O. Bridgers	W. Marvin Davis
John Rhea Banton	John Young Brown	John L. Day
Charles E. Baumgardner, Sr.	Charles W. Buchanan	Albert Dempsey
Owen Billington	Harry M. Caudill	C. E. Dowell
Leo A. Bleemel	William J. Conley	James A. Dressman, Jr.
J. C. Bradley	Vernor O. Cottengim	O. O. Duncan
		Harold Edmonds

Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
William J. Marcum
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
L. M. Tipton Reed
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

J. Murray Blue
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Addison L. Everett
James W. Lambert
William E. Maglinger
George R. Martin
Robert K. Montgomery
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
Cecil C. Sanders
Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 17. AN ACT relating to alcoholic beverage excise taxes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsections (2) and (3) of Section 243.720 of the Kentucky Revised Statutes are amended to read as follows:

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of fifty cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than four cents on the sale or distribution of any retail container of wine.

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $2.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Sec. 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon all wine or malt beverages upon which the tax imposed by subsections (2) and (3) of KRS 243.720 as such statute existed on January 1, 1954 has been paid and which on July 1, 1954, are held and intended for sale or for use, there shall be levied, assessed, collected and paid a floor stocks tax as follows:

(a) Twenty-five cents on each gallon of wine and a proportionate tax at a like rate on all fractional parts of a gallon;

(b) One dollar on each thirty-one-gallon barrel of malt beverages and a proportionate tax at a like rate on all fractional parts of a barrel.

(2) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before July 15, 1954, make a return and pay such tax to the Department of Revenue. Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.

(3) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (2) of this section for payment, shall pay a penalty of twenty percent of the amount of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed only as provided in KRS 131.110 and KRS 131.120.

(4) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both.

Sec. 3. This Act shall become effective on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Edward O. Bridgers
Walter J. Bailey	Leo A. Bleemel	John Young Brown
John Rhea Banton	J. Murray Blue	Charles W. Buchanan
Charles E. Baumgardner, Sr.	J. C. Bradley	Harry M. Caudill
	Edward T. Breathitt, Jr.	Cassius M. Clay

Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Those who voted in the negative were—

Vernor O. Cottengim
John L. Day
James A. Dressman, Jr.
Thomas P. Fitzpatrick
Eulick Walsh
Charles W. Wirsch
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 18. AN ACT relating to pari-mutuel and other similar systems of betting, including taxation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

"An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to three percent of so much of the total amount of all money deposited daily in pari-mutuel pools or similar pools as does not exceed $100,000, four percent of so much thereof as exceeds $100,000 but does not exceed $200,000, five percent of so much thereof as exceeds $200,000 but does not exceed $300,000, six percent of all over $300,000. Pari-mutuel pools or similar pools include any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator."

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

"The commission including the tax levied in Section 1 deducted from the pari-mutuel pools by the person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system shall not exceed thirteen per cent of the gross amount handled and the breaks, which breaks shall be made and calculated to the dime."

Section 3. Section 138.520 of the Kentucky Revised Statutes is repealed.

Section 4. This Act shall become effective on July 1, 1954.

Mr. Brown offered the following amendment, viz:

Amend printed copy of H. B. 18 on page 2, section 2, line 9, after the word dime add the following words "but nothing in this act shall apply to any non profit track."

Said amendment was rejected by voice vote.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	Albert Dempsey
Walter J. Bailey	Charles W. Buchanan	C. E. Dowell
John Rhea Banton	Harry M. Caudill	James A. Dressman, Jr.
Charles E. Baumgardner, Sr.	Cassius M. Clay	O. O. Duncan
Owen Billington	Paul Cobb	Harold Edmonds
Leo A. Bleemel	William J. Conley	Addison L. Everett
J. Murray Blue	R. Josh Cosby	Herbert Fern
J. C. Bradley	Vernor O. Cottengim	Thomas P. Fitzpatrick
Edward T. Breathitt, Jr.	Charles W. Craig	Cabell D. Francis
	W. Marvin Davis	W. L. Hadden
	John L. Day	

C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

John Young Brown
Foster Ockerman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment

of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; providing for the continuance in office of the present circuit judges and Commonwealth's attorneys and creating the offices of circuit judge and Commonwealth's attorney for the new district established by this Act; providing for the holding of court in each district affected by this Act; and amending sections 23.040 and 23.050 of the Kentucky Revised Statutes.

Ordered that the said bill be delivered to the Enrolling Clerk.

The Clerk announced that the Committee on Committees named the following committees, viz:

AVIATION COMMITTEE

Chairman: Cosby, R. Josh
Bridgers, Edward O.
Brown, John Young
Cottengim, Vernor O.
Dressman, James A., Jr.
Lowman, Harry King
Mobley, Tom
Morgan, Fred
Reed, L. M. Tipton
Reid, Robert
Stumbo, E. H.
Winstead, T. D.
Heyburn, Henry R.
Lambert, James W.
Wirsch, Charles W.

BANKS AND BANKING COMMITTEE

Chairman: Smith, W. R.
Billington, Owen
Bradley, J. C.
Bridgers, Edward O.
Francis, Cabell D.
Hadden, W. L.
Holsclaw, Chester J.
Horn, William M.
McClanahan, Ralph E.
Melton, Carl D.
Rouse, Joe
Wells, William B.
Williams, Warren D.
Wilson, Mrs. Randolph
Heyburn, Henry R.
Qualls, Roger E.

CHARITABLE, PENAL AND REFORMATORY INSTITUTIONS

Chairman: Bradley, J. C.
Anderson, Rev. Felix S.
Blue, J. Murray
Bridgers, Edward O.
Dressman, James A., Jr.
Everett, Addison L.
Fern, Herbert
Hadden, W. L.
Hill, Lon C.
Horn, William M.
McCallum, Shelby
Murphy, Thomas J.
Sanders, Cecil C.
Wooton, Dr. Clyde D.

CITIES OF THE FIRST CLASS

Chairman: Barnum, Clarence J.
Anderson, Rev. Felix S.
Baumgardner, Charles E., Sr.
Bridgers, Edward O.
Conley, William J.
Holsclaw, Chester J.
Murphy, Thomas J.
Stovall, Mrs. Thelma L.
Walsh, Eulick
Williams, Warren D.
Heyburn, Henry R.

CITIES OF THE SECOND CLASS

Chairman: Fitzpatrick, Thomas P.
Brown, John Young
Burnley, Charles W.
Cottengim, Vernor O.
Day, John L.
Dressman, James A., Jr.
Lowman, Harry King
Maglinger, William E.
Mobley, Tom
Morgan Fred
Ockerman, Foster
Reid, Robert
Weintraub, Morris
Wirsch, Charles W.

CITIES OF THE THIRD CLASS

Chairman: Horn, William M.
Breathitt, Edward T., Jr.
Cosby, R. Josh
Everett, Addison L.
Melton, Carl D.
Reed, L. M. Tipton
Routh, William A.
Wiseman, Walker H.
Buchanan, Charles W.
Craig, Charles W.
Holt, Varna
McFadden, Caleb
Wooton, Dr. Clyde D.

CITIES OF THE FOURTH CLASS

Chairman: Banton, John Rhea
Bailey, Walter J.
Clay, Cassius M.
Day, John L.
Harralson, C. Ruby
Kearby, Jennings H.
Lowman, Harry King
McClanahan, Ralph E.
Martin, George R.
Montgomery, Robert K.
Peniston, Louis T.
Pollitte, Edward D.
Raybourne, Jack, Jr.
Wathen, Will Tom
Winstead, T. D.
Young, Paul E.
Helm, Harold G.
McFadden, Caleb
Qualls, Roger E.

CITIES OF THE FIFTH CLASS

Chairman: Dowell, C. E.
Caudill, Harry M.
Cobb, Paul
Fern, Herbert
Francis, Cabell D.
Hadden, W. L.
Harralson, C. Ruby
Kearby, Jennings H.
Lovelace, George H.
McCallum, Shelby
Sanders, Cecil C.
Wilson, Mrs. Randolph
Bartley, Wallace
Dempsey, Albert
Lambert, James W.

CITIES OF THE SIXTH CLASS

Chairman: Webster, W. W.
Banton, John Rhea
Bartley, Wallace
Bradley, J. C.
Jones, William L.
McClanahan, Ralph E.
Moorman, Walter R.
Rogers, Lloyd E.
Wells, Hicks
Wells, William B.
Craig, Charles W.
Dempsey, Albert
Duncan, O. O.
Heyburn, Henry R.
Treadway, James

COMMITTEE ON CLAIMS

Chairman: Kearby, Jennings H.
Bailey, Walter J.
Davis, W. Marvin
Melton, Carl D.

Murphy, Thomas J.
Peniston, Louis T.
Ratcliffe, Paul
Rogers, Lloyd E.
Sanders, Cecil C.
Smith, W. R.
Buchanan, Charles W.
Dempsey, Albert
Lambert, James W.
Mitchell, Alton B.
Saylor, LeRoy

COMPENSATION FOR INDUSTRIAL INJURIES COMMITTEE

Chairman: Murphy, Thomas J.
Caudill, Harry M.
Conley, William J.
Cottengim, Vernor O.
Day, John L.
Edmonds, Harold
Harris, George F.
Lovelace, George H.
Martin, George R.
Stovall, Mrs. Thelma L.
Stumbo, E. H.
Weintraub, Morris
Wells, Hicks
Bartley, Wallace
Helm, Harold G.

CONSTITUTIONAL AMENDMENTS COMMITTEE

Chairman: Mobley, Tom
Anderson, Rev. Felix S.
Bleemel, Leo A.
Caudill, Harry M.
Clay, Cassius M.
Day, John L.
Francis, Cabell D.
Harris, George F.
Kearby, Jennings H.
Majors, Damon
Melton, Carl D.
Morris, Eddie J.
Ratcliffe, Paul T.
Reynolds, Russell
Rogers, Lloyd E.
Smith, W. R.
Williams, Warren D.
Heyburn, Henry R.
Wooton, Dr. Clyde D.

CONSERVATION, DITCHES AND DRAINS

Chairman: Fern, Herbert
Banton, John Rhea
Blue, J. Murray
Cobb, Paul
Cottengim, Vernor O.
Hadden, W. L.
Harralson, C. Ruby
Lacy, Talmage
Montgomery, Robert K.
Pollitte, Edward D.
Reed, L. M. Tipton
Reid, Robert
Weintraub, Morris
Duncan, O O.

COURTS AND LEGAL PROCEDURE

Chairman: Peniston, Louis T.
Breathitt, Edward T., Jr.
Davis, W. Marvin
Dressman, James A., Jr.
Francis, Cabell D.
Hill, Lon C.
Kearby, Jennings H.
Melton, Carl D.
Ockerman, Foster
Rogers, Lloyd E.
Sanders, Cecil C.
Weintraub, Morris
Heskamp, David
Holt, Varna
Lambert, James W.

CRIMINAL LAW

Chairman: Dressman, James A., Jr.
Barnum, Clarence J.
Breathitt, Edward T., Jr.
Cobb, Paul
Fitzpatrick, Thomas P.
Francis, Cabell D.
Kearby, Jennings H.
Majors, Damon
Melton, Carl D.
Moorman, Walter R.
Ratcliffe, Paul T.
Reed, L. M. Tipton
Reid, Robert
Rogers, Lloyd E.
Weintraub, Morris
Heskamp, David
Lambert, James W.
McFadden, Caleb
Mann, William C.

ELECTIONS COMMITTEE

Chairman: Rouse, Joe
Baumgardner, Charles E., Sr.
Bradley, J. C.
Clay, Cassius M.
Hilton, Estill R.
Montgomery, Robert K.
Morgan, Fred
Newsom, Goebel W., Jr.
Routh, William A.
Smith, W. R.
Webster, W. W.
Wiseman, Walker H.
Young, Paul E.
Mitchell, Alton B.

EXECUTIVE AND LEGISLATIVE AFFAIRS

Chairman: Maglinger, William E.
Bradley, J. C.
Cobb, Paul
Cottengim, Vernor O.
Everett, Addison L.
Fern, Herbert
Reed, L. M. Tipton
Reynolds, Russell
Wells, Hicks
Wells, William B.
Young, Paul E.
Duncan, O. O.
Saylor, LeRoy

FISH AND GAME COMMITTEE

Chairman: McCallum, Shelby
Bradley, J. C.
Conley, William J.
Edmonds, Harold
Harralson, C. Ruby
Harris, George F.
Lovelace, George H.
Majors, Damon
Morris, Eddie J.
Pollitte, Edward D.
Raybourne, Jack, Jr.
Rouse, Joe
Wells, Hicks
Mann, William C.
Marcum, William J.
Wirsch, Charles W.
Wooton, Dr. Clyde D.

FORESTRY, STATE AND NATIONAL PARKS

Chairman: Edmonds, Harold
Banton, John Rhea
Clay, Cassius M.
Hadden, W. L.
Harris, George F.
Hill, Lon C.
Lacy, Talmage
McCallum, Shelby
McClanahan, Ralph E.
Moorman, Walter R.
Newsom, Goebel W., Jr.
Pollitte, Edward D.
Reid, Robert
Routh, William A.
Wilson, Mrs. Randolph
Dempsey, Albert
Taylor, C. Waitman

HIGHER EDUCATION COMMITTEE

Chairman: Bailey, Walter J.
Anderson, Rev. Felix S.
Billington, Owen
Brown, John Young
Burnley, Charles W.
Cosby, R. Josh
Lovelace, George H.
McCallum, Shelby
Melton, Carl D.
Newsom, Goebel W., Jr.
Reynolds, Russell
Stovall, Mrs. Thelma L.
Bartley, Wallace
Duncan, O. O.
Heyburn, Henry R.
Holt, Varna

INSURANCE COMMITTEE

Chairman: Billington, Owen
Baumgardner, Charles E., Sr.
Conley, William J.
Holsclaw, Chester J.
Horn, William M.
Morgan, Fred

Pollitte, Edward D.
Ratcliffe, Paul T.
Reynolds, Russell
Webster, W. W.
Williams, Warren D.
Winstead, T. D.
Buchanan, Charles W.
Heskamp, David
McFadden, Caleb

JUDICIARY AND JUDICIAL COUNCIL COMMITTEE

Chairman: Breathitt, Edward T., Jr.
Brown, John Young
Caudill, Harry M.
Clay, Cassius M.
Davis, W. Marvin
Dressman, James A., Jr.
Francis, Cabell D.
Kearby, Jennings H.
Melton, Carl D.
Ockerman, Foster
Peniston, Louis T.
Reed, L. M. Tipton
Rogers, Lloyd E.
Routh, William A.
Sanders, Cecil C.
Weintraub, Morris
Duncan, O. O.
Heyburn, Henry R.
Lambert, James W.

KENTUCKY STATUTES NO. 1 COMMITTEE

Chairman: Wathen, Will Tom
Banton, John Rhea
Caudill, Harry M.
Harris, George F.
Lowman, Harry King
Newsom, Goebel W., Jr.
Ockerman, Foster
Walsh, Eulick
Webster, W. W.
Rayburn, Hobart

KENTUCKY STATUTES NO. 2 COMMITTEE

Chairman: Weintraub, Morris
Bailey, Walter J.
Burnley, Charles W.
Clay, Cassius M.
Davis, W. Marvin
Edmonds, Harold
Francis, Cabell D.
Kearby, Jennings H.
Montgomery, Robert K.
Peniston, Louis T.
Pollitte, Edward D.
Reynolds, Russell
Sanders, Cecil C.
Stovall, Mrs. Thelma L.
Stumbo, E. H.
Heskamp, David

LABOR COMMITTEE

Chairman: Hilton, Estill R.
Burnley, Charles W.
Cobb, Paul
Cosby, R. Josh
Cottengim, Vernor O.
Day, John L.
Fitzpatrick, Thomas P.
Hill, Lon C.
Lovelace, George H.
Martin, George R.
Murphy, Thomas J.
Newsom, Goebel W., Jr.
Routh, William A.
Stovall, Mrs. Thelma L.
Walsh, Eulick
Weintraub, Morris
Mann, William C.

LIBRARY AND HISTORICAL RECORDS

Chairman: Cottengim, Vernor O.
Conley, William J.
Morris, Eddie J.
Bartley, Wallace
Duncan, O. O.
Helm, Harold G.
Heskamp, David
Holt, Varna
Mitchell, Alton B.
Qualls, Roger E.
Saylor, LeRoy
Treadway, James

MINES, OILS AND MINERALS COMMITTEE

Chairman: Newsom, Goebel W., Jr.
Baumgardner, Charles E., Sr.
Edmonds, Harold
Harralson, C. Ruby
Harris, George F.
Hill, Lon C.
Lacy, Talmage
Maglinger, William E.
Martin, George R.
Morris, Eddie J.
Reynolds, Russell
Routh, William A.
Smith, W. R.
Dempsey, Albert
Marcum, William J.
Qualls, Roger E.
Taylor, C. Waitman
Treadway, James
Wooton, Dr. Clyde D.

MOTOR TRANSPORTATION COMMITTEE

Chairman: Bridgers, Edward O.
Edmonds, Harold
Holsclaw, Chester J.
Horn, William M.
Lovelace, George H.
Maglinger, William E.

Majors, Damon
Mobley, Tom
Morgan, Fred
Reynolds, Russell
Routh, William A.
Smith, W. R.
Stumbo, E. H.
Wiseman, Walker H.
McFadden, Caleb

NATIONAL AND CIVIL DEFENSE

Chairman: Wells, Hicks
Bailey, Walter J.
Cottengim, Vernor O.
Day, John L.
Dressman, James A., Jr.
Morris, Eddie J.
Raybourne, Jack, Jr.
Bartley, Wallace
Craig, Charles W.
Duncan, O. O.
Holt, Varna
Mann, William C.
Mitchell, Alton B.
Saylor, LeRoy
Treadway, James

PUBLIC HEALTH COMMITTEE

Chairman: Wiseman, Walker H.
Anderson, Rev. Felix S.
Baumgardner, Charles E., Sr.
Bleemel, Leo A.
Brown, John Young
Cobb, Paul
Dressman, James A., Jr.
Hadden, W. L.
Harralson, C. Ruby
Kearby, Jennings H.
Moorman, Walter R.
Morgan, Fred
Stovall, Mrs. Thelma L.
Wells, Hicks
Wilson, Mrs. Randolph
Young Paul E.
Lambert, James W.
Mann, William C.
Wirsch, Charles W.
Wooton, Dr. Clyde D.

PUBLIC UTILITIES COMMITTEE

Chairman: Sanders, Cecil C.
Brown, John Young
Burnley, Charles W.
Everett, Addison L.
Fitzpatrick, Thomas P.
Horn, William M.
Maglinger, William E.
Mobley, Tom
Montgomery, Robert K.
Moorman, Walter R.
Raybourne, Jack, Jr.
Routh, William A.
Wathen, Will Tom
Wells, Hicks
Heyburn, Henry R.
Rayburn, Hobart
Taylor, C. Waitman

RAILROADS

Chairman: Walsh, Eulick
Anderson, Rev. Felix S.
Bailey, Walter J.
Barnum, Clarence J.
Blue, J. Murray
Burnley, Charles W.
Cosby, R. Josh
Davis, W. Marvin
Day, John L.
Everett, Addison L.
Hill, Lon C.
Hilton, Estill R.
Jones, William L.
McCallum, Shelby
Smith, W. R.
Buchanan, Charles W.
Craig, Charles W.
Saylor, LeRoy

REGULATION OF INTOXICATING LIQUORS COMMITTEE

Chairman: Morgan, Fred
Banton, John Rhea
Billington, Owen
Blue, J. Murray
Breathitt, Edward T., Jr.
Caudill, Harry M.
Conley, William J.
Fitzpatrick, Thomas P.
Holsclaw, Chester J.
Horn, William M.
Kearby, Jennings H.
Maglinger, William E.
Martin, George R.
Williams, Warren D.
Winstead, T. D.
Craig, Charles W.
Rayburn, Hobart
Wirsch, Charles W.

REVENUE AND TAXATION COMMITTEE

Chairman: Ockerman, Foster
Bailey, Walter J.
Banton, John Rhea
Barnum, Clarence J.
Baumgardner, Charles E., Sr.
Caudill, Harry M.
Dowell, C. E.
Hilton, Estill R.
Jones, William L.
Lowman, Harry King
Maglinger, William E.
Newsom, Goebel W., Jr.
Wathen, Will Tom
Williams, Warren D.
Rayburn, Hobart
Wirsch, Charles W.

ROADS AND HIGHWAYS COMMITTEE

Chairman: Wells, William B.
Billington, Owen
Bleemel, Leo A.
Blue, J. Murray
Bridgers, Edward O.
Caudill, Harry M.
Davis, W. Marvin
Dowell, C. E.

Lacy, Talmage
McClanahan, Ralph E.
Peniston, Louis T.
Pollitte, Edward D.
Ratcliffe, Paul T.
Raybourne, Jack, Jr.
Wilson, Mrs. Randolph
Winstead, T. D.
Wiseman, Walker H.
McFadden, Caleb
Marcum, William J.
Mitchell, Alton B.

STATE FAIR COMMITTEE

Chairman: Jones, William L.
Barnum, Clarence J.
Blue, J. Murray
Dowell, C. E.
Morris, Eddie J.
Reid, Robert
Stumbo, E. H.
Wilson, Mrs. Randolph
Heskamp, David
Marcum, William J.
Taylor, C. Waitman

VETERANS COMMITTEE

Chairman: Stumbo, E. H.
Billington, Owen
Breathitt, Edward T., Jr.
Brown, John Young
Caudill, Harry M.
Clay, Cassius M.
Cosby, R. Josh
Davis, W. Marvin
Fitzpatrick, Thomas P.
Francis, Cabell D.
Hilton, Estill R.
Holsclaw, Chester J.
Horn, William M.
Lowman, Harry King
McCallum, Shelby
McClanahan, Ralph E.
Maglinger, William E.
Majors, Damon
Martin, George R.
Melton, Carl D.
Mobley, Tom
Montgomery, Robert K.
Morris, Eddie J.
Ockerman, Foster
Peniston, Louis T.
Reed, L. M. Tipton
Sanders, Cecil C.
Walsh, Eulick
Wathen, Will Tom
Webster, W. W.
Wells, William B.
Williams, Warren D.
Winstead, T. D.
Wiseman, Walker H.
Buchanan, Charles W.
Craig, Charles W.
Dempsey, Albert
Heyburn, Henry R.
Holt, Varna
Lambert, James W.
Marcum, William J.
Mitchell, Alton B.

Qualls, Roger E.	Wirsch, Charles W.
Rayburn, Hobart	Wooton, Dr. Clyde D.
Saylor, LeRoy	Bartley, Wallace

Mr. Morgan moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Morgan introduced Mr. Ronald Keith Stumbo and Suzanne Stumbo, and moved that they be made honorary pages.

Said motion was agreed to.

Mr. Mobley introduced Ann Sutton Heskamp and moved that she be made an honoray page.

Said motion was agreed to.

Mr. Lowman moved that the House adjourn until January 20, 1954, at 3 o'clock P. M.

Said motion was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 20, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Ockerman moved that the Journal of January 15, 1954, shows that he had not voted on H. B. No. 17, and stated that had he been present and his vote had been recorded, he would have voted in the affirmative on H. B. No. 17.

Said motion was agreed to.

Mr. Stumbo moved that the Journal of January 15, 1954, shows that he had not voted on H. B. No. 18, and stated that had he been present and his vote had been recorded, he would have voted in the affirmative on H. B. No. 18.

Mr. Lowman moved that the reading of the Journal of the proceedings of Friday, January 15, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Craig moved that Martha Ann Buchanan be made an honorary page.

Said motion agreed to.

Mr. Mitchell moved that Douglas Bell, Jr. be made an honorary page.

Said motion agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 3. AN ACT changing the classification of the City of Calvert City in Marshall County.

Ordered that the said bill be delivered to the Enrolling Clerk.

INTRODUCTION OF RESOLUTIONS

Resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Russell Reynolds and Mr. R. E. McClanahan.

H. Res. No. 13. A JOINT RESOLUTION petitioning Congress to continue to maintain and operate locks on the Kentucky River.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States is hereby requested to provide for the continued maintenance and operation of all existing locks and dams on the Kentucky River, and to provide for modernization of these locks and dams.

Section 2. That the Clerk of the Senate is directed to forward copies of this resolution to each member of Congress from Kentucky and to the Secretary of the Senate and Clerk of the House of Representatives of the Congress.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Wirsch.

H. B. No. 45. AN ACT relating to supervisors of taxes in cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.260 of the Kentucky Revised Statutes is hereby amended to read as follows:

The city council of each city of the fourth class shall each year appoint three discreet freeholders as supervisors of taxes, and fix their compensation at not more than ten dollars per day. The supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor. They shall select a chairman by vote or lot, and he or either of the supervisors may administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected.

By Mr. Wirsch.

H. B. No. 46. AN ACT relating to members of police and fire departments in fourth and fifth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force or fire department of a city of the fourth class a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

(2) To be eligible for appointment as a member of the police force in a city of the fifth class a person must be a citizen of the state, a resident of the city, at least twenty-one years of age, able to read and write the English language intelligibly, and be sober and of good moral character. No person who has been convicted of a felony shall be eligible for appointment.

By Mr. Newsom.

H. B. No. 47. AN ACT relating to removal of improvements on unimproved or unproductive lots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 381.450 of the Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Owners of particular estates of freehold, in possession or in estates for years, in unimproved or unproductive lots or land in which other persons are the owners of the reversion or re-

mainder, may, within ninety days after the interest or estate in such lots ceases, remove any improvements they have erected thereon.

By Mr. Brown, Mr. Ockerman and Mr. Buchanan.

H. B. No. 48. AN ACT providing for the employment of a qualified person by the board of trustees of the University of Kentucky, for the purpose of formulating detailed plans for the establishing of a medical school.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The board of trustees of the University of Kentucky is hereby authorized to employ a qualified person who shall formulate all necessary plans for the establishment of a medical school at the university.

Section 2. The person so employed may in turn employ such personnel as he deems necessary in order to carry out the broad duty imposed in Section 1 of this Act.

Section 3. The person so employed shall submit a complete and detailed plan for the establishment of said school at such time and in such manner as the board may order, and shall send a copy of same to the Governor.

Section 4. For the purpose of carrying into effect the provisions of this Act, there is appropriated to the University of Kentucky, out of the General Expenditure Fund in the State Treasury, the sum of fifty thousand dollars for the fiscal years 1954-1955 and 1955-1956; without lapse in the year 1954-1955.

By Mr. Maglinger.

H. B. No. 49. AN ACT relating to working hours of policemen in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all cities of the second class within the Commonwealth of Kentucky, except those in which, by referendum ordinance, the

patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight hours per day for five days each week, except in the event of an emergency. Each member of the police department in such cities of the second class shall have an annual leave of fifteen days with full pay.

By Mr. Edmonds and Mr. Newsom.

H. B. No. 50. AN ACT authorizing and adding one additional judge to the circuit court for the 35th circuit court district; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said circuit court, and providing for the manner in which said court shall be held and the business therein conducted.

Said bill is as follows, viz:

WHEREAS, the population of Pike County, based on the 1950 Federal census, exceeds 80,000, and the area of Pike County is 779 square miles and that said county was constituted a separate judicial district by Chapter 209 of the Acts of the 1948 regular session of the General Assembly of Kentucky; and

WHEREAS, by virtue of the aforesaid Act of the General Assembly of 1948, the Pike circuit court has remained in session substantially ten months of each year since the passage of said Act; and

WHEREAS, during the calendar year 1953, said court remained in continuous session from the first Monday in January, 1953, until the 18th day of December, 1953, excepting July 27, 1953, to September 7, 1953, and, in addition to the work of the regular judge of said court, more than four hundred cases were certified to and tried by special judges; and

WHEREAS, on December 18, 1953, the regular judge of said court entered an order calling a special January term of said court, to be presided over by a special judge, in addition to the regular January term presided over by the regular judge of said court, and certified more than 600 cases for trial at said special January term; and

WHEREAS, on January 1, 1954, there were pending in the Pike circuit court, 440 criminal cases; 587 ordinary actions filed prior to July 1, 1953, 640 equity actions filed prior to July 1, 1953, and 274 civil actions filed between July 1, 1953, and December 31, 1953, under the new rules of civil procedure, making a total of 1,941 cases pending on the docket of the Pike circuit court as of January 1, 1954; and

WHEREAS, the General Assembly, giving due regard to the elements of territory, business, population and to the right of all persons to a speedy trial, as provided by the Constitution of this Commonwealth, finds from the aforesaid facts that an additional judge is necessary in said county and judicial district.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. One additional judge of the circuit court for the 35th Circuit Court District is hereby authorized and added to said court.

Section 2. The circuit court of said 35th Circuit Court District shall be divided into two divisions. One of the divisions shall be known and designated as the criminal division, and the other shall be known and designated as the civil division which shall be divided into jury and non-jury cases under the rules of civil procedure adopted by the Kentucky Court of Appeals and effective July 1, 1953. The judge of the court at the time the additional judge is provided shall be judge of the civil division, divided into jury and non-jury cases, and the additional judge shall be judge of the criminal division and in addition thereto shall be, together with the present judge of said judicial district, judge of the civil division, divided into jury and non-jury cases.

Section 3. Within thirty days after this Act shall have become effective, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the criminal division and the civil division, divided into jury and non-jury cases, of the 35th Circuit Court District, who, when appointed, shall

be commissioned by the Governor as judge of the criminal division and civil division of the 35th Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified and shall continue in office until his successor is elected and qualified as herein provided. At the regular election to be held on the first Tuesday after the first Monday in November, 1955, such additional judge shall be elected as other circuit court judges are required to be elected, and shall enter upon the duties of his office on the first Monday in January next succeeding his election. Such judge shall thereafter be elected at the time and in the manner circuit judges are required to be elected under the Constitution and the general election laws of this Commonwealth.

Section 4. Whereas, the congested condition of the docket of the Pike circuit court and the inability of one judge to try and dispose of the cases pending in said court, does not give to all persons a prompt trial as contemplated by the Constitution of this Commonwealth, an emergency is declared to exist, and this Act shall become effective immediately upon its passage and signature by the Governor.

By Mr. Fitzpatrick.

H. B. No. 51. AN ACT to exclude labor disputes from the operation of the Motor Carriers Act, Chapter 281, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.685 of the Kentucky Revised Statutes is amended by adding thereto the following subsection:

(3) Provided, That nothing contained in this section shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a

strike ratified or approved by a representative of such employees whom such employer is required by law to recognize.

By Mr. Dempsey.

H. B. No. 52. AN ACT relating to hunting and fishing licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who is serving in the armed forces of the United States shall be entitled to hunt or fish, in accordance with seasons prescribed therefor by the department, without prior issuance of a license. Leave or furlough papers properly issued by any of the armed forces shall serve as proof that the bearer thereof is entitled to the privilege accorded by this Act.

Section 2. Any resident of this state who served in the armed forces of the United States during any war declared by an Act of Congress or during the Korean conflict, who was honorably discharged from such service, who has at least fifty percent permanent disability as certified by the United States Veterans Administration, shall be entitled each year, on making satisfactory proof of his qualifications to the county clerk, to be issued state-wide hunting and fishing licenses without the payment of any fee.

INTRODUCTION OF RESOLUTION

Mr. Bridger moved that the rules of the House be suspended for the purpose of introducing a resolution.

Said motion agreed to.

Resolution of the following title was introduced and ordered to be printed and referred, viz:

By Mr. Bridger.

H. Res. No. 14. A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of said Ernest L. Love, deceased, for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining the right of way along North Main Street in the City of Elizabethtown, Hardin County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $103,779.50.

Section 3. That the action herein authorized and permitted may be brought in the Hardin Circuit Court, same being the Circuit Court having jurisdiction in Hardin County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hardin Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 21. AN ACT relating to income taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue.

(2) "Department" means the Department of Revenue.

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 1954.

(4) "Dependent" means those persons defined as dependents under Section 25 (b) (3) of the Internal Revenue Code.

(5) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person, estate or trust.

(6) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(7) "Individual" means a natural person.

(8) "Federal income tax" means income tax paid or accrued to the United States Government on income subject to assessment and taxation under the provisions of this chapter.

(9) "Net income," in the case of taxpayers other than corporations, means the same as net income defined under Section 21 of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Ignore the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof.

(f) Include refunds of Federal income tax; provided the standard deduction set forth in Section 23 (aa) (1) of the Internal Revenue Code shall not be considered in determining net income.

If the taxpayer elects to deduct the standard deduction set forth in KRS 141.081, then "net income" means adjusted gross income less the standard deduction.

(10) "Net income," in the case of corporations, means the same as net income defined under Section 21 of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Include Federal income tax refunds.

(d) Include interest income derived from obligations of sister states and political subdivisions thereof.

(e) Ignore state taxes measured by net income.

(f) Ignore the "net operating loss deduction."

(11) "Taxable net income," in the case of corporations, means "net income" derived from business done, property located, activities or sources in this state less "Federal income tax."

(12) "Adjusted gross income" means the same as adjusted gross income defined in Section 22 (n) of the Internal Revenue Code less "Federal income tax."

(13) "Person" means and includes an individual, a fiduciary, a partnership, an employer, an employe and a corporation.

(14) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made.

(15) "Net operating loss deduction" means the deduction allowed under Section 23 (s) of the Internal Revenue Code.

(16) "Resident" means any individual domiciled within this state.

(17) "Nonresident" means any individual not a resident of this state.

(18) "Employer" means "employer" as defined in Section 1621 (d) of the Internal Revenue Code.

(19) "Employe" means "employe" as defined in Section 1621 (c) of the Internal Revenue Code.

(20) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

(21) "Wages" means "wages" as defined in Section 1621 (a) of the Internal Revenue Code.

(22) "Payroll period" means a period for which a payment of wages is ordinarily made to the employe by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semi-monthly, quarterly, semiannual, or annual payroll period.

(23) "Head of a household" means "head of a household" as defined in Section 12 (c) (3) of the Internal Revenue Code.

(24) "Corporations" includes associations and joint stock companies.

(25) "Gross income" means "gross income" as defined in Section 22 of the Internal Revenue Code.

Section 2. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five per cent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(2) An annual tax shall be paid for each taxable year at the rates specified in subsection (1) of this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(3) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the tax imposed by KRS 141.025 in lieu of the tax levied under this section.

Section 3. Section 141.025 of the Kentucky Revised Statutes is amended to read as follows:

With respect to taxable years beginning after December 31, 1953, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed eight thousand dollars may elect to pay the tax as shown in the following tables less the tax credits authorized by KRS 141.060:

OPTIONAL TAX TABLE

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
$ 0	$ 50	$ .45
50	100	1.35
100	150	2.25
150	200	3.15
200	250	4.05
250	300	4.95
300	350	5.85
350	400	6.75
400	450	7.65
450	500	8.55
500	550	9.45
550	600	10.35
600	650	11.25
650	700	12.15
700	750	13.05
750	800	13.95
800	850	14.85
850	900	15.75
900	950	16.65
950	1,000	17.55
1,000	1,050	18.45
1,050	1,100	19.35
1,100	1,150	20.25
1,150	1,200	21.15
1,200	1,250	22.05

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
1,250	1,300	22.95
1,300	1,350	23.85
1,350	1,400	24.75
1,400	1,450	25.65
1,450	1,500	26.55
1,500	1,550	27.45
1,550	1,600	28.35
1,600	1,650	29.25
1,650	1,700	30.15
1,700	1,750	31.05
1,750	1,800	31.95
1,800	1,850	32.85
1,850	1,900	33.75
1,900	1,950	34.65
1,950	2,000	35.55
2,000	2,050	36.45
2,050	2,100	37.35
2,100	2,150	38.25
2,150	2,200	39.15
2,200	2,250	40.05
2,250	2,300	40.95
2,300	2,350	41.85
2,350	2,400	42.75
2,400	2,450	43.65
2,450	2,500	44.55
2,500	2,550	45.45
2,550	2,600	46.35
2,600	2,650	47.25
2,650	2,700	48.15
2,700	2,750	49.05
2,750	2,800	49.95
2,800	2,850	50.85
2,850	2,900	51.75
2,900	2,950	52.65

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
2,950	3,000	53.55
3,000	3,050	54.45
3,050	3,100	55.35
3,100	3,150	56.25
3,150	3,200	57.15
3,200	3,250	58.05
3,250	3,300	58.95
3,300	3,350	59.85
3,350	3,400	61.13
3,400	3,450	62.48
3,450	3,500	63.83
3,500	3,550	65.18
3,550	3,600	66.53
3,600	3,650	67.88
3,650	3,700	69.23
3,700	3,750	70.58
3,750	3,800	71.93
3,800	3,850	73.28
3,850	3,900	74.63
3,900	3,950	75.98
3,950	4,000	77.33
4,000	4,050	78.68
4,050	4,100	80.03
4,100	4,150	81.38
4,150	4,200	82.72
4,200	4,250	84.08
4,250	4,300	85.43
4,300	4,350	86.78
4,350	4,400	88.13
4,400	4,450	89.48
4,450	4,500	91.10
4,500	4,550	92.90
4,550	4,600	94.70
4,600	4,650	96.50

If Adjusted Gross Income Is Over	But Not Over	The Tax Shall Be
4,650	4,700	98.30
4,700	4,750	100.10
4,750	4,800	101.90
4,800	4,850	103.70
4,850	4,900	105.50
4,900	4,950	107.30
4,950	5,000	109.10
5,000	8,000	110.00 plus 5% of excess of $5,000

Section 4. Section 141.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The tax imposed by KRS 141.020 upon individuals shall apply to estates and trusts and to all fiduciaries. This tax shall be paid annually upon the net income of estates and of any property held in trust at the rates specified in KRS 141.020.

(2) The fiduciary shall be responsible for making the return of income for the person for whom he acts, whether the income is taxable to the fiduciary or to the beneficiaries of the income.

Section 5. Section 141.040 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and like corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the department upon the taxable net income of

the corporation. This tax shall be at the rate of four and one-half percent of the taxable net income of the corporation determined as provided in this chapter.

Section 6. Section 141.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall prescribe forms substantially identical with those utilized by the Federal Government except to the extent required by differences between this chapter and its application and the Federal income tax law and its application. The department shall apply as far as practicable the administrative and judicial interpretations of the Federal income tax law. Computations of income for purposes of this chapter shall be as nearly as practicable identical with the calculations required for Federal income tax purposes.

(2) Every person subject to the provisions of this chapter shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the department from time to time may prescribe. Whenever the department judges it necessary, it may require such person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the department deems sufficient to show whether or not such person is liable to tax, and the extent of such liability.

(3) The commissioner or his authorized agent or representative, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any taxpayers, may require the attendance of the taxpayer or of any other person having knowledge in the premises.

(4) The department shall prescribe the forms and reports necessary to the proper administration of any and all provisions of this chapter, and shall promulgate such rules and regulations necessary to effectively carry out the provisions of this chapter.

Section 7. Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due, as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025, shall be credited with the following amounts:

(a) Twenty dollars in the case of an unmarried individual.

(b) Forty dollars in the case of a married individual or in the case of a head of a household. If such husband and wife make separate returns, the tax credit allowed by this subparagraph may be taken by either or divided between them. The determination of the marital status for purposes of the credits allowed under this section shall be made in the manner prescribed in Section 25 (b) (2) of the Internal Revenue Code.

(c) Ten dollars for each dependent other than the first dependent of a head of a household.

(d) An additional ten dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year.

(e) An additional ten dollars credit if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year and a joint return is filed.

(f) An additional ten dollars credit if the taxpayer is blind at the close of the taxable year.

(g) An additional ten dollars credit if the taxpayer's spouse is blind at the close of the taxable year and a joint return is filed.

(2) In the case of nonresidents, the tax credits allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income.

(3) In the case of a fiduciary, other than an estate, the taxes due as computed under KRS 141.020 and KRS 141.030. shall be credited with two dollars.

(4) In the case of an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with twelve dollars.

Section 8. Section 141.081 of the Kentucky Revised Statutes is amended to read as follows:

(1) An individual, at his election, may deduct from his adjusted gross income a standard deduction as follows:

(a) If his adjusted gross income is eight thousand dollars or more, the standard deduction shall be five hundred dollars;

(b) If his adjusted gross income is less than eight thousand dollars, the standard deduction shall be the amount as allowed by the application of the optional tax table contained in KRS 141.025.

(2) The standard deduction provided for in this section shall be in lieu of all deductions and shall not be allowed in the case of a taxable year of less than twelve months on account of a change in the accounting period or in the case of a fiduciary.

Section 9. Section 141.082 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the adjusted gross income shown on the return is eight thousand dollars or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the department shall, by regulation, prescribe the manner of signifying such election in the return.

(2) If the adjusted gross income shown on the return is less than eight thousand dollars, the standard deduction shall be allowed only if the taxpayer elects in the manner prescribed in KRS 141.025 to pay the tax imposed by that section.

(3) If the taxpayer does not signify, in the manner prescribed by subsections (1) or (2) of this section, his election to take the standard deduction, it shall not be allowed.

(4) If the adjusted gross income shown on the return is eight thousand dollars or more, but the correct adjusted gross income is less than eight thousand dollars, then an election by

the taxpayer under subsection (1) of this section to take the standard deduction shall be considered as an election to pay the tax imposed by KRS 141.025; and his failure to make, under subsection (1) of this section, an election to take the standard deduction shall be considered his election not to pay the tax imposed by KRS 141.025. If the adjusted gross income shown on the return is less than eight thousand dollars but the correct adjusted gross income is eight thousand dollars or more, then an election by the taxpayer under subsection (2) of this section to pay the tax imposed by KRS 141.025 shall be considered as his election to take the standard deduction; and his failure to elect, under subsection (2) of this section, to pay the tax imposed by KRS 141.025 shall be considered his election not to take the standard deduction.

(5) In the case of a husband and wife living together, the standard deduction provided for in KRS 141.081 shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. The determination of the marital status shall be made in the manner prescribed in Section 25 (b) (2) of the Internal Revenue Code.

Section 10. Section 141.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Taxable net income" of corporations shall be determined as provided in the following subsections of this section.

(2) The taxpayer shall show on its return the amount of net income for the taxable year.

(3) There shall be deducted from the net income for the taxable year the net amounts of income received from the ownership, holding, use, or sale of property not held, owned or used in the ordinary and regular course of the corporation's business. These amounts shall be allocated within and without Kentucky, as follows:

(a) If the property giving rise to such income, or portion thereof, is tangible property having a situs in Kentucky, the income therefrom shall be allocated to Kentucky;

(b) If the corporation's commercial domicile is maintained in Kentucky and the property giving rise to such income,

or portion thereof, is intangible property, all of the income therefrom shall be allocated to Kentucky, except the income from intangible property having a business situs outside of Kentucky;

(c) If the corporation's commercial domicile is maintained outside of Kentucky, any income resulting from intangible property having a business situs in Kentucky shall be allocated to Kentucky.

(4) The remainder of the net income shall be known as net business income and shall be allocated and apportioned as hereinafter provided. If the trade or business is carried on entirely within this state, the entire net business income shall be allocated to Kentucky. If the trade or business is carried on partly within and partly without this state, separate accounting shall be deemed impracticable and prohibited unless the department determines prior to filing that the actual amount of net business income attributable to Kentucky is determinable by separate accounting; the net business income allocable to Kentucky shall be determined as follows:

(a) Where income is derived from business other than the manufacture and sale of tangible personal property or the conduct of a public utility, the income shall be specifically allocated or equitably apportioned within and without this state under rules and regulations of the department;

(b) Where income is derived from the manufacture or sale of tangible personal property, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property, the payroll and business within this state bears to the value of the total tangible property, total payroll, and total business, the percentage of tangible property, of payroll, and of business, being separately determined as hereinafter provided, and the three percentages averaged;

(c) "Total payroll", as used in this section, includes the expenditures of the corporation for wages, salaries, commissions, or other compensation to its employes, and all the payroll shall be assigned to this Commonwealth which

is paid to employes chiefly situated at, connected with, or sent out from premises in this Commonwealth that are used by the corporation in connection with the transacting of business;

(d) The value of the tangible property shall be taken to be the average value of the tangible property owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or separately allocable under the provisions of this chapter;

(e) The business of the corporation shall be measured by the amount of all receipts during the year from sales and other sources connected with the business, excluding receipts separately allocated as above provided. Accounts receivable from sales and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrual basis;

(f) Receipts from sales and other sources shall be assigned only to the office, agency or place of business of the corporation at which the transactions giving rise to the receipts are chiefly negotiated.

(5) If a corporation does not have all of the factors present in its total business operations, an average of the factors present shall be used in determining the percentage of the business done in Kentucky.

(6) For the purpose of this section "sale" shall include exchange, and "manufacture" shall include the extraction and recovery of natural resources and all processes of fabricating and curing.

(7) Where net business income is derived from the conduct of a public utility, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property, the payroll, and business within this state bears to the value of the total tangible property, total payroll and total business, the percentage of tangible property and of business being

separately determined as hereinafter provided and the percentage of payroll being determined as provided in paragraph (c) of subsection (4) of this section and the three percentages averaged.

(a) For the purpose of the foregoing computation, the value of the tangible property shall be taken to be the average value of the tangible property held and owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or is separately allocable under the foregoing provisions of this chapter.

(b) In determining the tangible property located within this state of a railroad company operating both within and without this state, the valuation of car rolling stock and equipment and locomotive rolling stock and equipment within this state shall be found by applying to the total valuation of the entire rolling stock and equipment of each respective class belonging to the company that proportion which the car mileage within this state during the income year bears to the total car mileage of the company's cars, and which the locomotive mileage within this state during the income year bears to the total locomotive mileage of the company's locomotives, used in the conduct of its business both within and without this state for that year.

(c) The business of the public utility shall be measured by the amount of receipts from the carrying on of the business. Receipts in this state shall include, in addition to all receipts from business commencing and terminating within this state, such portion of receipts from all interstate business passing through or into or out of this state as is determined by applying to gross receipts from all business of transportation and communication enterprises that percentage which the mileage within this state over which such business was carried bears to the entire mileage over which it was carried. Accounts receivable from services rendered and other sources arising from business during

the year shall be included in the formula if the corporation's return is made on the accrual basis.

(d) The department shall prescribe methods of allocating receipts of other utilities.

(8) Inventories in transit and construction in process shall not be considered in determining the total value of tangible property or the value of Kentucky tangible property.

(9) In the event that the formula for allocating income prescribed herein, as applied in a particular case, reaches an unconstitutional result, or the department determines that said formula, as applied in a particular case, fails to allocate to Kentucky a fair and reasonable portion of the business income, the department shall prescribe a formula which allocates to Kentucky a fair and reasonable portion of the business income.

(10) The income allocated to Kentucky under subsection (3) of this section shall be combined with the net business income allocated to Kentucky and there shall be deducted therefrom the proportionate part of Federal income tax attributable to income allocated to Kentucky. The resulting amount shall be deemed the "taxable net income."

Section 11. Section 141.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the taxpayer makes, or is required to make, a Federal income tax return, his income shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the Federal Government, and he shall employ the same methods of accounting required for Federal income tax purposes.

(2) If a return is made by an individual for a period of less than one year, the net income, computed on the basis of the period for which a separate return is made, shall be placed on an annual basis by multiplying the amount thereof by the number of days in the year and dividing by the number of days included in the period for which the separate return is made. The tax payable shall be such part of the tax computed on the annual basis as the number of days in the period is of the number of days in the year.

Section 12. Section 141.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every corporation subject to the jurisdiction of this state, unless excused by the department, shall render a correct report, duly verified under oath, of its payments of dividends to residents of this state, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him.

(2) Every person subject to the jurisdiction of this state, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries and employers, making payment to another person, domiciled in this state, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income of six hundred dollars or more in any taxable year, shall render a true and accurate report to the department of the payments made. In the case of such payments made by the state and its political subdivisions, the officers or employes having information as to such payments designated by the department by the regulations hereinafter provided for shall make such reports. The reports shall be made under the regulations and in the form and manner and to the extent prescribed by the department, shall set forth the amount of the gains, profits and income, and the name and address of the recipient of the payments. The department may also require any person to make information reports respecting nonresidents it believes to be subject to income tax.

(3) The reports contemplated by this section may be required, regardless of amounts, in the case of payments of dividends or interest upon bonds, mortgages, deeds of trust or other similar obligations of corporations. When necessary to make effective the provisions of this section the name and address of the recipient of the income shall be furnished upon demand of the person paying the income. The provisions of this section shall not apply to the payment of interest on obligations of the United States or of this state, or the political subdivisions thereof.

Section 13. Section 141.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) All returns of income for the preceding taxable year shall be made by April 15 in each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns of income shall be supplied by the department.

(2) Whenever, in the opinion of the department, it is necessary to examine the Federal income tax return or a copy thereof of any taxpayer in order to audit his return, the department may compel the taxpayer to produce for inspection a copy of his Federal return and all statements and schedules in support thereof. The department may also require copies of reports of adjustments made by the Federal Government.

Section 14. Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department:

(a) Every individual having a gross income for the taxable year of $600 or over;

(b) Every estate the gross income of which for the taxable year is $600 or over;

(c) Every trust the gross income of which for the taxable year is $100 or over.

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 15. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.205 and to read as follows:

(1) The department shall permit or require any parent corporation or subsidiary corporation doing business within this state to file a consolidated return covering the entire operations of the parent corporation and its subsidiaries, whenever it finds that the inter-corporate transactions of the related group tend to reduce the net income of the corporation, or corporations, doing business within this state below the amount that would probably result if such corporation, or corporations, was not a member of the related group.

(2) The department is authorized and empowered, in such manner as it may determine, to assess the tax against any of the corporations whose net income is involved in the consolidated return upon the basis of the combined net income and such other information as it may possess, or it may adjust the tax in such other manner as it shall determine necessary to prevent avoidance of taxes or to clearly reflect the net income earned by such corporation or corporations from property located and business done within this state.

(3) Any corporation owning or controlling either directly or indirectly ninety percent or more of the voting stock of another corporation shall be deemed a parent corporation for purposes of this section. Any corporation having a parent corporation shall be deemed a subsidiary corporation for purposes of this section. Corporations having a common parent shall be considered members of a related group.

(4) If the consolidated return required under this section is not filed within sixty days after demand by the department, said parent corporation or subsidiary corporation or both, shall be subject to the penalty provided in this chapter for failure to file returns.

(5) In the case of a corporation doing business in this state and not permitted or required to file a consolidated return under subsection (1) of this section that carries on transactions with stockholders, directly or indirectly, the department shall adjust the net income of such corporation to an amount that would result if such transactions were carried on at arm's length.

Section 16. Section 141.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) As soon as practicable after each return is received, the department shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time and in the case of a return wherein the taxpayer omits from net income an amount properly includable therein which is in excess of twenty-five percent of the amount of net income stated in the return the excess may be assessed at any time within six years after the return was filed; provided, however, that if any excess is assessed on account of any income which has been returned for taxation by any other taxpayer, the department, with the consent of such other taxpayer, his personal representatives or heirs, shall reduce the amount of the excess assessed for each year by the amount of the income tax paid for that year by such other taxpayer on account of the income in question. A notice of such assessment shall be mailed to the taxpayer. The time herein provided may be extended by agreement between the taxpayer and the department.

(2) For the purpose of subsection (1) of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Section 17. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.206 and to read as follows:

(1) Every partnership owning property or engaging in business in Kentucky, shall, on or before the fifteenth day of the fourth month following the close of its annual accounting period, file a report or return on such form as may be prescribed and furnished by the department.

(2) Individuals carrying on a business in partnership shall be liable for income tax only in their individual capacities, and

no income tax shall be assessed upon the net income of any partnership.

Section 18. Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

The full amount of the unpaid tax payable by any taxpayer, as appears from the face of the return, shall be paid to the department at the time fixed for filing returns.

Section 19. Section 141.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(2) Any tax collected after January 1, 1954, pursuant to the provisions of KRS Chapter 141, may be refunded in the manner provided in KRS 134.580, provided that claim of refund is made within three years from the date the money is paid into the State Treasury.

(3) Overpayments of taxes collected pursuant to KRS 141.310 and KRS 141.315 shall be refunded with interest at six percent per annum. This interest shall not begin to accrue until ninety days after the overpayment is made, the return is filed, or the due date of the return, whichever is later.

(4) Exclusive authority to refund overpayments of taxes collected pursuant to this chapter is vested in the commissioner or his authorized agent. Amounts directed to be refunded shall be paid out of the General Fund.

Section 20. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.300 and to read as follows:

(1) Every individual shall, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax for the taxable year if his gross income from sources other

than wages can reasonably be expected to exceed $1000 for the taxable year and his gross income to be $1500 or more.

(2) In the declaration required under subsection (1) the individual shall state:

(a) The amount which he estimates as the amount of tax under KRS 141.020 for the taxable year;

(b) The amount which he estimates as the credits for the taxable year under KRS 141.310 and KRS 141.315;

(c) The excess of the amount estimated under subparagraph (a) over the amount estimated under subparagraph (b), which excess for purposes of this chapter shall be considered the estimated tax for the taxable year;

(d) Such other information as may be prescribed in regulations promulgated by the department.

(3) The declaration required under subsection (1) of this section shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) of this section are first met.

(a) After April 1 and before July 2 of the taxable year, the declaration shall be filed on or before July 15 of the taxable year; or

(b) After July 1 and before November 2 of the taxable year, the declaration shall be filed on or before November 15 of the taxable year; or

(c) After November 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year,

provided, that the declaration required to be filed during 1954 may be filed not later than November 15, 1954, if hte requirements of subsection (1) of this section are fulfilled at any time prior to November 2, 1954.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of this section, under regulations prescribed by the department.

(5) If on or before February 15 of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department,

(a) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such February 15, such return shall, for the purposes of this section, be considered as such declaration; and

(b) If the tax shown on the return, reduced by the credits under KRS 141.350, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (4) of this section to be filed on or before such February 15.

(6) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) For the purposes of KRS 131.190, a declaration of estimated tax shall be held and considered a return of income under this chapter.

Section 21. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.305 and to read as follows:

(1) The estimated tax provided for in Section 20 of this Act shall be paid as follows:

(a) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second and third on July 15 and November 15, respectively, of the taxable year.

(b) If the declaration is filed after April 15 and not after July 15 of the taxable year and is not required by subsection (3) of KRS 141.300 to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration and the second on November 15 of the taxable year.

(c) If the declaration is filed after July 15 and not after November 15 of the taxable year and is not required by subsection (3) of KRS 141.300 to be filed on or before July 15 of the taxable year, the estimated tax shall be paid at the time of the filing of the declaration.

(d) If the declaration is filed after November 15 of the taxable year, and is not required by subsection (3) of KRS 141.300 to be filed on or before November 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(e) If the declaration is filed after the time prescribed in KRS 141.300, including cases where extensions of time have been granted, paragraphs (b), (c), and (d) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in subsection (3)

of KRS 141.300, and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

Provided, that payments required under this section for purposes of the taxable year 1954 shall be limited to fifty percent of the total estimated tax for 1954.

(2) If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment, and if any amendment is made after November 15 of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(3) At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(4) Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the tax for the taxable year. Assessment in respect of the estimated tax shall be limited to the amount paid.

(5) In the case of an individual whose estimated gross income from farming for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year, in lieu of the time prescribed in subsection (3) of KRS 141.300, the declaration for the taxable year may be made at any time on or before February 15 of the succeeding taxable year; and if such an individual files a return on or before February 28 of the succeeding taxable year, and pays in full the amount computed on the return as payable, such return shall have the same effect as that prescribed in subsection (5) of KRS 141.300 in the case of a return filed on or before February 15.

(6) The application of this section, KRS 141.300, and subsections (8) and (9) of KRS 141.990, to taxable years of less than

twelve months shall be as prescribed in regulations promulgated by the department.

(7) In the application of this section and KRS 141.300 to taxpayers reporting income on a fiscal year basis, there shall be substituted for the dates specified therein, the months corresponding thereto.

Section 22. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.310 and to read as follows:

(1) Every employer making payment of wages on or after July 1, 1954, shall deduct and withhold upon such wages a tax determined in accordance with the tables set forth in KRS 141.360 or KRS 141.315, as the case may be.

(2) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days, including Sundays and holidays, equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days, including Sundays and holidays, which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(5) The tables mentioned in subsection (1) take into consideration Federal income taxes levied at the effective rates

for taxable years beginning on or after January 1, 1954. If Congress changes substantially the effective rates, the department shall make such change in these tables as necessary to compensate for any increase or decrease in the effective Federal income tax rates.

(6) The department may, by regulations, authorize employers:

(a) to estimate the wages which will be paid to any employe in any quarter of the calendar year;

(b) to determine the amount to be deducted and withheld upon each payment of wages to such employe during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(c) to deduct and withhold upon any payment of wages to such employe during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employe during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employe was quarterly.

(7) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and KRS 141.315 in cases in which the employer and the employe agree to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.

Section 23. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.315 and to read as follows:

If payment of wages is made to an employe by an employer—

(1) With respect to a payroll period or other period, any part of which is included in a payroll period or other period

with respect to which wages are also paid to such employe by such employer, or

(2) Without regard to any payroll period or other period, but on or prior to the expiration of a payroll period or other period with respect to which wages are also paid to such employe by such employer; or

(3) With respect to a period beginning in one and ending in another calendar year; or

(4) Through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays,

the wages payable by another employer to such employe, the manner of withholding and the amount to be deducted and withheld under KRS 141.310 shall be determined in accordance with regulations promulgated by the department under which the withholding exemption allowed to the employe in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

Section 24. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.320 and to read as follows:

If the remuneration paid by an employer to an employe for services performed during one-half or more of any payroll period of not more than thirty-one consecutive days constitutes wages, all the remuneration paid by such employer to such employe for such period shall be deemed to be wages; but if the remuneration paid by an employer to an employe for services performed during more than one-half of any such payroll period does not constitute wages, then none of the remuneration paid by such employer to such employe for such period shall be deemed to be wages.

Section 25. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.325 and to read as follows:

(1) An employe receiving wages shall on any day be entitled to the following withholding exemptions:

(a) One exemption for himself;

(b) One additional exemption if the employe is the head of a household;

(c) One additional exemption for each dependent of a married individual living with spouse or a head of a household, other than the first dependent of a head of a household;

(d) If the employe is married, the exemption to which his spouse is entitled, or would be entitled if such spouse were an employe, under subparagraph (a) of this subsection, but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption.

(2) Every employe shall, on or before July 1, 1954, or before the date of commencement of employment, whichever is later, furnish his employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which in no event shall exceed the number to which he is entitled.

(3) Withholding exemption certificates shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished; provided, that certificates furnished before July 1, 1954, shall be considered as furnished on that date.

(4) A withholding exemption certificate which takes effect under this section shall continue in effect with respect to the employer until another such certificate takes effect under this section. If a withholding exemption certificate is furnished to take the place of an existing certificate, the employer, at his option, may continue the old certificate in force with respect to all wages paid on or before the first status determination date, January 1 or July 1, which occurs at least thirty days after the date on which such new certificate is furnished.

(5) If, on any day during the calendar year, the number of withholding exemptions to which the employe may reasonably be expected to be entitled at the beginning of his next taxable year is different from the number to which the employe is entitled on such day, the employe shall in such cases and at such times as the department may prescribe, furnish the employer with a withholding exemption certificate relating to the number of exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he may reasonably be expected to be so entitled. Exemption certificates issued pursuant to this subsection shall not take effect with respect to any payment of wages made in the calendar year in which the certificate is furnished.

(6) If, on any day during the calendar year, the number of withholding exemptions to which the employe is entitled is less than the number of withholding exemptions claimed by the employe on the withholding exemption certificate then in effect with respect to him, the employe shall, within ten days thereafter, furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employe then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employe is entitled is greater than the number of withholding exemptions claimed, the employe may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employe then claims, which shall in no event exceed the number to which he is entitled on such day.

(7) Withholding exemption certificates shall be in such form and contain such information as the department may by regulations prescribe.

Section 26. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.330 and to read as follows:

(1) Every employer required to deduct and withhold tax under KRS 141.310 and KRS 141.315 shall, for the quarterly

period beginning July 1, 1954, and for each quarterly period thereafter, on or before the last day of the month following the close of each quarterly period make return and pay over to the department the tax required to be withheld under KRS 141.310 and KRS 141.315.

(2) If the department, in any case, has reason to believe that the collection of the tax provided for in subsection (1) of this section is in jeopardy, it may require the employer to make such return and pay such tax at any time.

(3) Every employer, who fails to withhold or pay to the department any sums required by this chapter to be withheld and paid, shall be personally and individually liable therefor to the Commonwealth; and any sum or sums withheld in accordance with the provisions of KRS 141.310 and KRS 141.315 shall be deemed to be held in trust for the Commonwealth.

(4) Actions for the recovery from an employer of sums required to be withheld in accordance with KRS 141.310 and KRS 141.315 shall be governed by the provisions of KRS Chapter 135. Any such action shall be brought within three years after the due date of the return required by subsection (1) of this section.

(5) The Commonwealth shall have a lien upon all the property of any employer who fails to withhold or pay over to the department sums required to be withheld under KRS 141.310 and KRS 141.315. If the employer withholds but fails to pay the amounts withheld to the department, the lien shall accrue as of the date the amounts withheld were required to be paid to the department. If the employer fails to withhold, the lien shall accrue at the time the liability of the employer becomes fixed.

Section 27. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.335 and to read as follows:

(1) Every person required to deduct and withhold from an employe a tax under KRS 141.310 or KRS 141.315, or who would have been required to deduct and withhold a tax under KRS 141.310 or KRS 141.315 if the employe had claimed no more than one withholding exemption, shall furnish to each such employe in respect of the remuneration paid by such person to such employe during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following: (a) the name of such person; (b) the name of the employe and his social security account number; (c) the total amount of wages as defined in KRS 141.010; (d) the total amount deducted and withheld as tax under KRS 141.310 and KRS 141.315.

(2) The statement required to be furnished by this section in respect of any wages shall be furnished at such other times, shall contain such other information, and shall be in such form as the department may by regulations prescribe. A duplicate of such statement if made and filed in accordance with regulations prescribed by the department shall constitute the return required to be made in respect of such wages under KRS 141.150.

(3) The department may promulgate regulations providing for reasonable extensions of time, not in excess of thirty days, to employers required to furnish statements under this section.

Section 28. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.340 and to read as follows:

An employer shall be liable for the payment of the tax required to be deducted and withheld under KRS 141.310 and KRS 141.315, and shall not be liable to any person for the amount of any such payment.

Section 29. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.345 and to read as follows:

(1) Where there has been an overpayment of tax under KRS 141.310 or KRS 141.315, refund or credit shall be made

to the employer only to the extent that the amount of such overpayment was not deducted and withheld under KRS 141.310 or KRS 141.315 by the employer.

(2) Unless written application for refund or credit is received by the department from the employer within two years from the date the overpayment was made, no refund or credit shall be allowed.

Section 30. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.350 and to read as follows:

The amount deducted and withheld as tax under KRS 141.310 and KRS 141.315 during any calendar year upon the wages of any individual shall be allowed as a credit to the recipient of the income against the tax imposed by KRS 141.020, for taxable years beginning in such calendar year. If more than one taxable year begins in such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning.

Section 31. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.355 and to read as follows:

(1) Where there has been an overpayment of any tax imposed under KRS 141.020, KRS 141.310 or KRS 141.315, the amount of such overpayment shall be credited against any income tax or installment thereof then due from the taxpayer, and any balance shall be refunded in the manner provided in KRS 141.235.

(2) Where the amount of the tax withheld at the source under KRS 141.310 or KRS 141.315 exceeds the taxes imposed by KRS 141.020 against which the tax so withheld may be credited under KRS 141.350, the amount of such excess shall be considered an overpayment.

Section 32. A new Section of the Kentucky Revised Statutes is created to be numbered KRS 141.360 and to read as follows:

Unless the tax levied under KRS 141.310 is determined as provided in KRS 141.315, such tax shall be determined in accordance with the following tables:

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is WEEKLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$ 24	2% of wage	0	0	0	0	0	0	0	0	0	0
24	26	.38	.04	0	0	0	0	0	0	0	0	0
26	28	.42	.07	0	0	0	0	0	0	0	0	0
28	30	.44	.10	0	0	0	0	0	0	0	0	0
30	32	.47	.13	0	0	0	0	0	0	0	0	0
32	34	.50	.16	0	0	0	0	0	0	0	0	0
34	36	.53	.19	0	0	0	0	0	0	0	0	0
36	38	.56	.22	0	0	0	0	0	0	0	0	0
38	40	.59	.25	0	0	0	0	0	0	0	0	0
40	42	.62	.28	0	0	0	0	0	0	0	0	0
42	44	.65	.31	0	0	0	0	0	0	0	0	0
44	46	.68	.34	0	0	0	0	0	0	0	0	0
46	48	.71	.37	.02	0	0	0	0	0	0	0	0
48	50	.74	.40	.05	0	0	0	0	0	0	0	0
50	52	.76	.42	.08	0	0	0	0	0	0	0	0
52	54	.79	.45	.11	0	0	0	0	0	0	0	0
54	56	.82	.48	.14	0	0	0	0	0	0	0	0
56	58	.85	.51	.17	.02	0	0	0	0	0	0	0
58	60	.88	.54	.20	.05	0	0	0	0	0	0	0
60	62	.91	.57	.23	.08	0	0	0	0	0	0	0
62	64	.94	.60	.26	.11	0	0	0	0	0	0	0
64	66	.97	.63	.29	.14	0	0	0	0	0	0	0
66	68	1.00	.66	.32	.17	.02	0	0	0	0	0	0
68	70	1.02	.68	.35	.20	.07	0	0	0	0	0	0
70	72	1.05	.71	.38	.24	.11	0	0	0	0	0	0
72	74	1.08	.74	.42	.29	.16	.03	0	0	0	0	0
74	76	1.11	.77	.46	.33	.20	.07	0	0	0	0	0
76	78	1.14	.82	.51	.38	.25	.12	0	0	0	0	0
78	80	1.18	.86	.55	.42	.29	.16	.03	0	0	0	0
80	82	1.22	.90	.59	.46	.33	.20	.07	0	0	0	0
82	84	1.26	.95	.63	.51	.38	.25	.12	0	0	0	0
84	86	1.31	.99	.68	.55	.42	.29	.16	.02	0	0	0
86	88	1.35	1.03	.73	.60	.47	.34	.21	.09	0	0	0
88	90	1.39	1.08	.77	.64	.51	.38	.27	.16	0	0	0
90	92	1.43	1.12	.82	.69	.56	.44	.33	.22	.04	0	0
92	94	1.47	1.16	.86	.73	.61	.50	.39	.28	.11	0	0

94	96	1.51	1.21	.90	.78	.67	.56	.45	.34	.19	0	0
96	98	1.55	1.25	.95	.83	.73	.62	.51	.40	.27	.07	0
98	100	1.60	1.29	1.00	.89	.78	.68	.58	.46	.35	.15	0
100	105	1.70	1.41	1.15	1.04	.93	.83	.73	.63	.53	.35	.16
105	110	1.83	1.55	1.30	1.19	1.09	.99	.89	.80	.72	.60	.40
110	115	1.96	1.69	1.45	1.36	1.26	1.16	1.08	1.00	.93	.85	.65
115	120	2.10	1.84	1.61	1.52	1.44	1.36	1.28	1.21	1.13	1.05	.90
120	125	2.25	1.99	1.78	1.72	1.65	1.57	1.49	1.42	1.34	1.26	1.15
125	130	2.40	2.15	1.99	1.92	1.85	1.77	1.70	1.62	1.54	1.46	1.39
130	135	2.56	2.34	2.19	2.12	2.05	1.98	1.90	1.82	1.75	1.67	1.59
135	140	2.74	2.53	2.39	2.32	2.26	2.18	2.11	2.03	1.95	1.87	1.80
140	145	2.93	2.72	2.59	2.52	2.46	2.39	2.31	2.23	2.16	2.08	2.00
145	150	3.11	2.90	2.79	2.72	2.66	2.59	2.52	2.44	2.36	2.28	2.21
150	155	3.29	3.08	2.99	2.92	2.86	2.79	2.72	2.64	2.57	2.49	2.41
155	160	3.47	3.26	3.19	3.12	3.06	2.99	2.93	2.85	2.77	2.70	2.62
160	165	3.66	3.45	3.39	3.33	3.26	3.19	3.13	3.05	2.98	2.90	2.82
165	170	3.84	3.63	3.59	3.53	3.46	3.39	3.33	3.26	3.18	3.10	3.03
170	175	4.01	3.81	3.79	3.73	3.66	3.59	3.53	3.46	3.39	3.32	3.26
175	180	4.19	3.99	3.99	3.92	3.86	3.79	3.73	3.67	3.62	3.56	3.51
180	185	4.36	4.17	4.19	4.13	4.06	4.00	3.95	3.91	3.86	3.81	3.75
185	190	4.54	4.35	4.39	4.33	4.27	4.23	4.19	4.15	4.11	4.06	4.00
190	195	4.70	4.52	4.59	4.55	4.51	4.47	4.43	4.39	4.35	4.30	4.24
195	200	4.87	4.68	4.81	4.78	4.74	4.70	4.66	4.62	4.58	4.54	4.48
200	205	5.03	4.85	5.03	5.01	4.97	4.93	4.89	4.85	4.81	4.77	4.72
205	210	5.20	5.01	5.25	5.24	5.21	5.16	5.13	5.09	5.05	5.01	4.96
210	215	5.36	5.21	5.48	5.46	5.44	5.40	5.36	5.32	5.28	5.24	5.20
215	220	5.54	5.41	5.70	5.69	5.67	5.64	5.60	5.56	5.52	5.48	5.44
220	225	5.72	5.60	5.92	5.91	5.89	5.87	5.83	5.79	5.75	5.71	5.67
225	230	5.91	5.79	6.14	6.13	6.12	6.10	6.06	6.02	5.98	5.94	5.90
230	235	6.10	5.97	6.36	6.35	6.34	6.33	6.30	6.26	6.22	6.18	6.14
235	240	6.28	6.16	6.59	6.57	6.56	6.55	6.53	6.49	6.45	6.41	6.37
240	245	6.47	6.35	6.81	6.80	6.78	6.77	6.76	6.73	6.69	6.65	6.61
245	250	6.65	6.53	7.03	7.02	7.00	6.99	6.98	6.96	6.92	6.88	6.84
250	255	6.82	6.72	7.25	7.24	7.23	7.21	7.20	7.19	7.15	7.11	7.07
255	260	7.00	6.90	7.47	7.46	7.45	7.44	7.42	7.41	7.39	7.35	7.31
260	265	7.17	7.08	7.70	7.68	7.67	7.66	7.65	7.63	7.62	7.58	7.54
265	270	7.34	7.25	7.92	7.91	7.89	7.88	7.87	7.86	7.84	7.82	7.78
270	275	7.51	7.42	8.13	8.13	8.11	8.10	8.09	8.08	8.07	8.05	8.01
275	280	7.68	7.59	8.34	8.35	8.34	8.32	8.31	8.30	8.29	8.27	8.24
280	285	7.85	7.76	8.55	8.57	8.56	8.55	8.53	8.52	8.51	8.50	8.48
285	290	8.02	7.94	8.76	8.78	8.78	8.77	8.76	8.74	8.73	8.72	8.71
290	295	8.18	8.11	8.97	8.99	9.00	8.99	8.98	8.97	8.95	8.94	8.93
295	300	8.34	8.28	9.18	9.20	9.22	9.21	9.20	9.19	9.18	9.17	9.15
						4% of all over $300.00 plus						
300	and over	8.34	8.28	9.18	9.20	9.22	9.21	9.20	9.19	9.18	9.17	9.15

If the payroll period is bi-weekly the amount to be withheld shall be determined by dividing the amount of wages by two (2) and applying the weekly table and multiplying such amount by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is MONTHLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 100	2% of wage	0	0	0	0	0	0	0	0	0	0
100	104	1.54	.05	0	0	0	0	0	0	0	0	0
104	108	1.59	.11	0	0	0	0	0	0	0	0	0
108	112	1.65	.17	0	0	0	0	0	0	0	0	0
112	116	1.71	.23	0	0	0	0	0	0	0	0	0
116	120	1.77	.28	0	0	0	0	0	0	0	0	0
120	124	1.83	.34	0	0	0	0	0	0	0	0	0
124	128	1.89	.40	0	0	0	0	0	0	0	0	0
128	132	1.95	.46	0	0	0	0	0	0	0	0	0
132	136	2.01	.52	0	0	0	0	0	0	0	0	0
136	140	2.07	.58	0	0	0	0	0	0	0	0	0
140	144	2.13	.64	0	0	0	0	0	0	0	0	0
144	148	2.19	.70	0	0	0	0	0	0	0	0	0
148	152	2.24	.76	0	0	0	0	0	0	0	0	0
152	156	2.30	.82	0	0	0	0	0	0	0	0	0
156	160	2.36	.88	0	0	0	0	0	0	0	0	0
160	164	2.42	.93	0	0	0	0	0	0	0	0	0
164	168	2.48	.99	0	0	0	0	0	0	0	0	0
168	172	2.54	1.05	0	0	0	0	0	0	0	0	0
172	176	2.60	1.11	0	0	0	0	0	0	0	0	0
176	180	2.66	1.17	0	0	0	0	0	0	0	0	0
180	184	2.72	1.23	0	0	0	0	0	0	0	0	0
184	188	2.77	1.29	0	0	0	0	0	0	0	0	0
188	192	2.83	1.35	0	0	0	0	0	0	0	0	0
192	196	2.89	1.41	0	0	0	0	0	0	0	0	0
196	200	2.95	1.47	0	0	0	0	0	0	0	0	0
200	204	3.01	1.52	.04	0	0	0	0	0	0	0	0
204	208	3.06	1.58	.10	0	0	0	0	0	0	0	0
208	212	3.12	1.64	.16	0	0	0	0	0	0	0	0
212	216	3.18	1.70	.22	0	0	0	0	0	0	0	0
216	220	3.24	1.76	.27	0	0	0	0	0	0	0	0
220	224	3.29	1.82	.33	0	0	0	0	0	0	0	0
224	228	3.35	1.88	.39	0	0	0	0	0	0	0	0
228	232	3.41	1.94	.45	0	0	0	0	0	0	0	0
232	236	3.47	2.00	.51	0	0	0	0	0	0	0	0
236	240	3.52	2.05	.57	0	0	0	0	0	0	0	0
240	248	3.64	2.17	.69	.03	0	0	0	0	0	0	0

248	256	3.76	2.29	.81	.15	0	0	0	0	0	0	0
256	264	3.87	2.40	.92	.27	0	0	0	0	0	0	0
264	272	3.99	2.52	1.04	.39	0	0	0	0	0	0	0
272	280	4.10	2.63	1.16	.52	0	0	0	0	0	0	0
280	288	4.22	2.75	1.28	.62	0	0	0	0	0	0	0
288	296	4.33	2.86	1.41	.74	.13	0	0	0	0	0	0
296	304	4.45	2.98	1.51	.87	.31	0	0	0	0	0	0
304	312	4.56	3.10	1.63	1.05	.49	0	0	0	0	0	0
312	320	4.68	3.21	1.79	1.23	.67	.10	0	0	0	0	0
320	328	4.80	3.33	1.97	1.41	.84	.28	0	0	0	0	0
328	336	4.91	3.50	2.15	1.58	1.02	.46	0	0	0	0	0
336	344	5.04	3.67	2.32	1.76	1.20	.63	.07	0	0	0	0
344	352	5.21	3.84	2.50	1.94	1.37	.81	.25	0	0	0	0
352	360	5.39	4.02	2.68	2.11	1.55	.99	.42	0	0	0	0
360	368	5.56	4.19	2.85	2.29	1.73	1.16	.60	0	0	0	0
368	376	5.73	4.36	3.03	2.47	1.90	1.34	.78	.20	0	0	0
376	384	5.89	4.54	3.21	2.65	2.08	1.52	1.00	.49	0	0	0
384	392	6.06	4.71	3.39	2.82	2.26	1.71	1.23	.76	0	0	0
392	400	6.22	4.88	3.56	3.00	2.44	1.94	1.47	1.03	.23	0	0
400	420	6.64	5.32	4.01	3.48	3.01	2.53	2.06	1.59	.97	.13	0
420	440	7.05	5.73	4.54	4.07	3.60	3.12	2.67	2.23	1.77	.93	.10
440	460	7.46	6.25	5.13	4.66	4.19	3.76	3.32	2.89	2.46	1.75	.92
460	480	8.00	6.80	5.72	5.28	4.84	4.41	3.98	3.60	3.26	2.75	1.92
480	500	8.56	7.36	6.35	5.93	5.50	5.08	4.75	4.42	4.08	3.75	2.92
500	520	9.11	7.95	7.00	6.59	6.24	5.90	5.57	5.24	4.86	4.57	3.92
520	540	9.71	8.57	7.67	7.39	7.06	6.72	6.39	6.06	5.72	5.39	4.92
540	560	10.32	9.22	8.47	8.19	7.88	7.54	7.21	6.88	6.54	6.21	5.88
560	580	10.92	9.95	9.28	8.99	8.70	8.36	8.03	7.70	7.36	7.03	6.70
580	600	11.65	10.71	10.08	9.79	9.51	9.18	8.85	8.52	8.18	7.85	7.52
600	640	13.11	12.19	11.68	11.39	11.11	10.82	10.49	10.16	9.82	9.49	9.16
640	680	14.57	13.65	13.29	13.00	12.72	12.44	12.13	11.80	11.46	11.13	10.80
680	720	16.03	15.11	14.89	14.61	14.32	14.04	13.76	13.44	13.10	12.77	12.44
720	760	17.46	16.57	16.49	16.21	15.93	15.64	15.36	15.08	14.74	14.46	14.23
760	800	18.84	18.03	18.10	17.81	17.53	17.25	17.02	16.85	16.66	16.43	16.19
800	840	20.22	19.40	19.69	19.46	19.29	19.11	18.94	18.77	18.59	18.39	18.15
840	880	21.54	20.72	21.43	21.33	21.16	20.98	20.81	20.64	20.46	20.29	20.07
880	920	22.85	22.12	23.21	23.16	23.03	22.86	22.68	22.51	22.34	22.16	21.99
920	960	24.25	23.70	24.98	24.93	24.88	24.73	24.56	24.38	24.21	24.04	23.86
960	1,000	25.73	25.21	26.76	26.71	26.65	26.60	26.43	26.25	26.08	25.91	25.73
1,000	1,040	27.22	26.70	28.54	28.48	28.43	28.38	28.30	28.13	27.95	27.78	27.61
1,040	1,080	28.71	28.18	30.31	30.25	30.21	30.15	30.10	30.00	29.82	29.65	29.48
1,080	1,120	30.09	29.67	32.09	32.04	31.98	31.93	31.88	31.82	31.70	31.52	31.35
1,120	1,160	31.46	31.08	33.86	33.81	33.76	33.70	33.65	33.60	33.54	33.40	33.22
1,160	1,200	32.82	32.45	35.60	35.59	35.53	35.48	35.43	35.37	35.32	35.27	35.09
1,200	1,250	34.53	34.16	37.70	37.77	37.75	37.70	37.65	37.59	37.54	37.49	37.43
						4% of all over $1,250.00 plus						
		34.53	34.16	37.70	37.77	37.75	37.30	37.65	37.59	37.54	37.49	37.43

If the payroll period with respect to an employee is semi-monthly, the amount to be withheld shall be determined by multiplying the wages by two (2) applying the monthly table, and dividing the tax shown on the monthly table by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is DAILY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 3.50	2% of wage	0	0	0	0	0	0	0	0	0	0
3.50	3.75	.06	.01	0	0	0	0	0	0	0	0	0
3.75	4.00	.06	.01	0	0	0	0	0	0	0	0	0
4.00	4.25	.06	.01	0	0	0	0	0	0	0	0	0
4.25	4.50	.07	.02	0	0	0	0	0	0	0	0	0
4.50	4.75	.07	.02	0	0	0	0	0	0	0	0	0
4.75	5.00	.07	.02	0	0	0	0	0	0	0	0	0
5.00	5.25	.08	.03	0	0	0	0	0	0	0	0	0
5.25	5.50	.08	.03	0	0	0	0	0	0	0	0	0
5.50	5.75	.08	.04	0	0	0	0	0	0	0	0	0
5.75	6.00	.09	.04	0	0	0	0	0	0	0	0	0
6.00	6.25	.09	.04	0	0	0	0	0	0	0	0	0
6.25	6.50	.10	.05	0	0	0	0	0	0	0	0	0
6.50	6.75	.10	.05	.01	0	0	0	0	0	0	0	0
6.75	7.00	.10	.05	.01	0	0	0	0	0	0	0	0
7.00	7.25	.11	.06	.01	0	0	0	0	0	0	0	0
7.25	7.50	.11	.06	.01	0	0	0	0	0	0	0	0
7.50	7.75	.11	.06	.02	0	0	0	0	0	0	0	0
7.75	8.00	.12	.07	.02	0	0	0	0	0	0	0	0
8.00	8.25	.12	.07	.02	.01	0	0	0	0	0	0	0
8.25	8.50	.12	.08	.03	.01	0	0	0	0	0	0	0
8.50	8.75	.13	.08	.03	.01	0	0	0	0	0	0	0
8.75	9.00	.13	.08	.03	.01	0	0	0	0	0	0	0
9.00	9.25	.14	.09	.04	.02	0	0	0	0	0	0	0
9.25	9.50	.14	.09	.04	.02	0	0	0	0	0	0	0
9.50	9.75	.14	.09	.04	.02	.01	0	0	0	0	0	0
9.75	10.00	.15	.10	.05	.03	.01	0	0	0	0	0	0
10.00	10.50	.15	.10	.06	.04	.02	0	0	0	0	0	0
10.50	11.00	.16	.11	.07	.05	.03	.01	0	0	0	0	0
11.00	11.50	.17	.12	.08	.06	.04	.02	.01	0	0	0	0
11.50	12.00	.18	.13	.09	.07	.05	.03	.01	0	0	0	0
12.00	12.50	.19	.14	.10	.08	.06	.04	.03	.01	0	0	0
12.50	13.00	.20	.16	.11	.09	.07	.06	.04	.02	0	0	0
13.00	13.50	.21	.17	.12	.10	.09	.07	.05	.04	.01	0	0
13.50	14.00	.22	.18	.13	.12	.10	.08	.07	.05	.03	.01	0

14.00	14.50	.23	.19	.15	.13	.11	.10	.08	.07	.05	.02	0
14.50	15.00	.24	.20	.16	.15	.13	.11	.10	.09	.07	.04	.02
15.00	15.50	.25	.21	.18	.16	.15	.13	.12	.10	.09	.07	.04
15.50	16.00	.27	.23	.19	.18	.16	.15	.13	.12	.11	.09	.06
16.00	16.50	.28	.24	.21	.19	.18	.16	.15	.14	.13	.12	.09
16.50	17.00	.30	.25	.22	.21	.19	.18	.17	.16	.15	.14	.11
17.00	17.50	.31	.27	.24	.23	.21	.20	.19	.18	.17	.16	.14
17.50	18.00	.32	.29	.26	.25	.24	.22	.21	.20	.19	.18	.16
18.00	18.50	.34	.30	.28	.27	.26	.24	.23	.22	.21	.20	.19
18.50	19.00	.35	.32	.30	.29	.28	.27	.25	.24	.23	.22	.21
19.00	19.50	.37	.34	.32	.31	.30	.29	.27	.26	.25	.24	.23
19.50	20.00	.39	.36	.34	.33	.32	.31	.30	.28	.27	.26	.25
20.00	21.00	.42	.39	.38	.37	.36	.35	.34	.32	.31	.30	.29
21.00	22.00	.46	.43	.42	.41	.40	.39	.38	.37	.35	.34	.33
22.00	23.00	.50	.47	.46	.45	.44	.43	.42	.41	.40	.38	.37
23.00	24.00	.53	.50	.50	.49	.48	.47	.46	.45	.44	.43	.41
24.00	25.00	.57	.54	.54	.53	.52	.51	.50	.49	.48	.47	.46
25.00	26.00	.60	.58	.58	.57	.56	.55	.54	.53	.52	.51	.51
26.00	27.00	.64	.61	.62	.61	.60	.59	.58	.58	.57	.56	.56
27.00	28.00	.67	.65	.66	.65	.64	.64	.63	.63	.62	.61	.61
28.00	29.00	.71	.68	.70	.70	.69	.68	.68	.67	.67	.66	.65
29.00	30.00	.74	.71	.74	.74	.74	.73	.72	.72	.71	.71	.70
30.00	31.00	.77	.75	.79	.79	.78	.78	.77	.77	.76	.75	.75
31.00	32.00	.81	.79	.83	.83	.83	.82	.82	.81	.81	.80	.80
32.00	33.00	.85	.83	.88	.88	.87	.87	.87	.86	.85	.85	.84
33.00	34.00	.88	.87	.92	.92	.92	.92	.91	.91	.90	.89	.89
34.00	35.00	.92	.90	.97	.96	.96	.96	.96	.95	.95	.94	.94
35.00	36.00	.96	.94	1.01	1.01	1.01	1.01	1.00	1.00	.99	.99	.98
36.00	37.00	.99	.98	1.05	1.05	1.05	1.05	1.05	1.05	1.04	1.04	1.03
37.00	38.00	1.03	1.01	1.10	1.10	1.10	1.09	1.09	1.09	1.09	1.08	1.08
38.00	39.00	1.06	1.05	1.14	1.14	1.14	1.14	1.14	1.13	1.13	1.13	1.12
39.00	40.00	1.09	1.08	1.19	1.19	1.18	1.18	1.18	1.18	1.18	1.18	1.17
40.00	41.00	1.13	1.12	1.23	1.23	1.23	1.23	1.23	1.22	1.22	1.22	1.22
41.00	42.00	1.16	1.15	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.26	1.26
42.00 and over		1.16	1.15	1.27	1.27	4% of all over $42.00 plus 1.27	1.27	1.27	1.27	1.27	1.26	1.26

This table shall be used in calculating the proper amount to be withheld in the case of a miscellaneous payroll period.

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employee is QUARTERLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 300	$ 312	4.62	.15	0	0	0	0	0	0	0	0	0
312	324	4.77	.33	0	0	0	0	0	0	0	0	0
324	336	4.95	.51	0	0	0	0	0	0	0	0	0
336	348	5.13	.69	0	0	0	0	0	0	0	0	0
348	360	5.31	.84	0	0	0	0	0	0	0	0	0
360	372	5.49	1.02	0	0	0	0	0	0	0	0	0
372	384	5.67	1.20	0	0	0	0	0	0	0	0	0
384	396	5.85	1.38	0	0	0	0	0	0	0	0	0
396	408	6.03	1.56	0	0	0	0	0	0	0	0	0
408	420	6.21	1.74	0	0	0	0	0	0	0	0	0
420	432	6.39	1.92	0	0	0	0	0	0	0	0	0
432	444	6.57	2.10	0	0	0	0	0	0	0	0	0
444	456	6.72	2.28	0	0	0	0	0	0	0	0	0
456	468	6.90	2.46	0	0	0	0	0	0	0	0	0
468	480	7.08	2.64	0	0	0	0	0	0	0	0	0
480	492	7.26	2.79	0	0	0	0	0	0	0	0	0
492	504	7.44	2.97	0	0	0	0	0	0	0	0	0
504	516	7.62	3.15	0	0	0	0	0	0	0	0	0
516	528	7.80	3.33	0	0	0	0	0	0	0	0	0
528	540	7.98	3.51	0	0	0	0	0	0	0	0	0
540	552	8.16	3.69	0	0	0	0	0	0	0	0	0
552	564	8.31	3.87	0	0	0	0	0	0	0	0	0
564	576	8.49	4.05	0	0	0	0	0	0	0	0	0
576	588	8.67	4.23	0	0	0	0	0	0	0	0	0
588	600	8.85	4.41	0	0	0	0	0	0	0	0	0
600	612	9.03	4.56	.12	0	0	0	0	0	0	0	0
612	624	9.18	4.74	.30	0	0	0	0	0	0	0	0
624	636	9.36	4.92	.48	0	0	0	0	0	0	0	0
636	648	9.54	5.10	.66	0	0	0	0	0	0	0	0
648	660	9.72	5.28	.81	0	0	0	0	0	0	0	0
660	672	9.87	5.46	.99	0	0	0	0	0	0	0	0
672	684	10.05	5.64	1.17	0	0	0	0	0	0	0	0
684	696	10.23	5.82	1.35	0	0	0	0	0	0	0	0
696	708	10.41	6.00	1.53	0	0	0	0	0	0	0	0
708	720	10.56	6.15	1.71	0	0	0	0	0	0	0	0
720	744	10.92	6.51	2.07	.09	0	0	0	0	0	0	0

744	768	11.28	6.87	2.43	.45	0	0	0	0	0	0	0
768	792	11.61	7.20	2.76	.81	0	0	0	0	0	0	0
792	816	11.97	7.56	3.12	1.17	0	0	0	0	0	0	0
816	840	12.30	7.89	3.48	1.56	0	0	0	0	0	0	0
840	864	12.66	8.25	3.84	1.86	0	0	0	0	0	0	0
864	888	12.99	8.58	4.23	2.22	.39	0	0	0	0	0	0
888	912	13.35	8.94	4.53	2.61	.93	0	0	0	0	0	0
912	936	13.68	9.30	4.89	3.15	1.47	0	0	0	0	0	0
936	960	14.04	9.63	5.37	3.69	2.01	.30	0	0	0	0	0
960	984	14.40	9.99	5.91	4.23	2.52	.84	0	0	0	0	0
984	1,008	14.73	10.50	6.45	4.74	3.06	1.38	0	0	0	0	0
1,008	1,032	15.12	11.01	6.96	5.28	3.60	1.89	.21	0	0	0	0
1,032	1,056	15.63	11.52	7.50	5.82	4.11	2.43	.75	0	0	0	0
1,056	1,080	16.17	12.06	8.04	6.33	4.65	2.97	1.26	0	0	0	0
1,080	1,104	16.68	12.57	8.55	6.87	5.19	3.48	1.80	0	0	0	0
1,104	1,128	17.19	13.08	9.09	7.41	5.70	4.02	2.34	.60	0	0	0
1,128	1,152	17.67	13.62	9.63	7.95	6.24	4.56	3.00	1.47	0	0	0
1,152	1,176	18.18	14.13	10.17	8.46	6.78	5.13	3.69	2.28	0	0	0
1,176	1,200	18.66	14.64	10.68	9.00	7.32	5.82	4.41	3.09	.69	0	0
1,200	1,260	19.92	15.96	12.03	10.44	9.03	7.59	6.18	4.77	2.91	.39	0
1,260	1,320	21.15	17.19	13.62	12.21	10.80	9.36	8.01	6.69	5.31	2.79	.30
1,320	1,380	22.38	18.75	15.39	13.98	12.57	11.28	9.96	8.67	7.38	5.25	2.76
1,380	1,440	24.00	20.40	17.16	15.84	14.52	13.23	11.94	10.80	9.78	8.25	5.76
1,440	1,500	25.68	22.08	19.05	17.79	16.50	15.24	14.25	13.26	12.24	11.25	8.76
1,500	1,560	27.33	23.85	21.00	19.77	18.72	17.70	16.71	15.72	14.58	13.71	11.76
1,560	1,620	29.13	25.71	23.01	22.17	21.18	20.16	19.17	18.18	17.16	16.17	14.76
1,620	1,680	30.96	27.66	25.41	24.57	23.64	22.62	21.63	20.64	19.62	18.63	17.64
1,680	1,740	32.76	29.85	27.84	26.97	26.10	25.08	24.09	23.10	22.08	21.09	20.10
1,740	1,800	34.95	32.13	30.24	29.37	28.53	27.54	26.55	25.56	24.54	23.55	22.56
1,800	1,920	39.33	36.57	35.04	34.17	33.33	32.46	31.47	30.48	29.46	28.47	27.48
1,920	2,040	43.71	40.95	39.87	39.00	38.16	37.32	36.39	35.40	34.38	33.39	32.40
2,040	2,160	48.09	45.33	44.67	43.83	42.96	42.12	41.28	40.32	39.30	38.31	37.32
2,160	2,280	52.38	49.71	49.47	48.63	47.79	46.92	46.08	45.24	44.22	43.38	42.69
2,280	2,400	56.52	54.09	54.30	53.43	52.59	51.75	51.06	50.55	49.98	49.29	48.57
2,400	2,520	60.66	58.20	59.07	58.38	57.87	57.33	56.82	56.31	55.77	55.17	54.45
2,520	2,640	64.62	62.16	64.29	63.99	63.48	62.94	62.94	62.43	61.38	60.87	60.21
2,640	2,760	68.55	66.36	69.63	69.48	69.09	68.58	68.04	67.53	67.02	66.48	65.97
2,760	2,880	72.75	71.10	74.94	74.79	74.64	74.19	73.68	73.14	72.63	72.12	71.58
2,880	3,000	77.19	75.63	80.28	80.13	79.95	79.80	79.29	78.75	78.24	77.73	77.19
3,000	3,120	81.66	80.10	85.62	85.44	85.29	85.14	84.90	84.39	83.85	83.34	82.83
3,120	3,240	86.13	84.54	90.93	90.75	90.63	90.45	90.30	90.00	89.46	88.95	88.44
3,240	3,360	90.27	89.01	96.27	96.12	95.94	95.79	95.64	95.46	95.10	94.56	94.05
3,360	3,480	94.38	93.24	101.58	101.43	101.28	101.10	100.95	100.80	100.62	100.20	99.66
3,480	3,600	98.46	97.35	106.80	106.77	106.59	106.44	106.29	106.11	105.96	105.81	105.27
3,600	3,750	103.59	102.48	113.10	113.31	113.25	113.10	112.95	112.77	112.62	112.47	112.29
				4% of all over $3,750.00 plus								
		103.59	102.48	113.10	113.31	113.25	113.10	112.95	112.77	112.62	112.47	112.29

Section 33. Section 141.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty shall be in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax, fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(5) If the tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other

applicable penalties, one percent of the tax for each month the tax remains unpaid.

(6) Any person required under the provisions of KRS 141.150 or KRS 141.335 to furnish a statement required under that section who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under KRS 141.150 and KRS 141.335, shall for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(7) Any employer required under the provisions of KRS 141.310 or KRS 141.315 to withhold taxes on wages and make quarterly returns and payment of amounts withheld to the department, who fails to withhold such taxes, or to make such returns, or who fails to remit amounts collected to the department, shall be subject to a civil penalty equal to twenty-five percent of the amount of taxes that should have been properly withheld and paid over to the department for each failure. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(8) (a) In the case of a failure to make and file a declaration of estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of each installment due but unpaid, and one percent of the unpaid amount thereof for each month, except the first, or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed ten percent of the unpaid portion of such installment. For the purposes of this subparagraph, the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credit allowed by KRS 141.350.

(b) Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the department has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to willful neglect, in the case of a failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of the unpaid amount of such installment and, in addition, one percent of such unpaid amount for each month, except the first, or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed ten percent of the unpaid portion of such installment.

(9) If eighty percent of the tax, determined without regard to the credit under KRS 141.350, in the case of individuals other than farmers exercising an election under subsection (5) of KRS 141.305, or sixty-six and two-thirds percent of such tax so determined in the case of such farmers, exceeds the estimated tax, increased by such credit, there shall be added to the tax an amount equal to such excess, or equal to six percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which falls the death of the taxpayer, nor shall it apply to the taxable year in which the taxpayer makes a timely payment on April 15, July 15 and November 15, of such year, or in the case of farmers exercising an election under subsection (5) of KRS 141.305 within the last quarter, and making payment in an amount at least as great as though computed on the basis of the facts shown on his return for the preceding taxable year.

(10) Any penalty imposed by subsections (1), (2), (3), (4), (5), (6), (7), (8), or (9) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(11) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(12) In addition to the penalties herein prescribed, any taxpayer or employer, who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amounts collected, or any part thereof, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or confined in the penitentiary for not less than twelve months nor more than five years, or both.

Section 34. Unless otherwise provided herein, the provisions of this Act shall be applicable to all taxpayers for all taxable years beginning on or after January 1, 1954. With respect to all taxable years beginning before January 1, 1954, the provisions of KRS Chapter 141, as they existed immediately prior to the enactment of this Act, shall remain applicable, the same as though they had not been amended or repealed by this Act.

Section 35. Sections 141.015, 141.055, 141.075, 141.080, 141.083, 141.084, 141.085, 141.090, 141.095, 141.096, 141.100, 141.110, 141.125, 141.230 and 141.240 of the Kentucky Revised Statutes are hereby repealed.

Mr. Lowman offered the following amendment and moved its adoption.

1. Amend printed copy of H. B. No. 21 on page 2, section 1, line 33, by removing therefrom the words "provided the" and placing said words at the beginning of line 34.

Said motion agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

2. Amend printed copy of H. B. No. 21 on page 5, section 2, line 18, by deleting therefrom the semicolon following the word "dollars" and substituting in lieu thereof a colon.

Said motion agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

3. Amend the printed copy of H. B. No. 21 on page 17 section 10, line 32, by deleting therefrom the words "prior to filing."

Said motion agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

4. Amend printed copy of H. B. No. 21 on page 25, section 15, line 28, by inserting the word "a" after the word "of".

Said motion agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

5. Amend printed copy of H. B. No. 21 on page 27, section 19, line 10, by deleting therefrom the word "to" and substituting in lieu thereof the word "the".

Said motion agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

6. Amend printed copy of H. B. No. 21 on page 47, section

32, monthly table, column 8, by deleting therefrom the figure "37.30" and substituting in lieu thereof the figure "37.70."

Said motion agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

7. Amend printed copy of H. B. No. 21 on page 54, section 33, line 58, by inserting therein the word "such" following the word "each".

Said motion agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Wallace Bartley	Harold G. Helm	Carl D. Melton
John Young Brown	David Heskamp	Alton B. Mitchell
Charles W. Buchanan	Henry R. Heyburn	Ralph E. McClanahan
Paul Cobb	Lon C. Hill	LeRoy Saylor
Charles W. Craig	Varna Holt	James Treadway
W. Marvin Davis	Roger E. Qualls	Charles W. Wirsch
Albert Dempsey	Caleb McFadden	Dr. Clyde D. Wooton
O. O. Duncan	William J. Marcum	
	George R. Martin	

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Mr. Heyburn moved that the Previous Question motion be reconsidered.

The Speaker ruled that Mr. Heyburn would first have to make a motion to suspend the rules in order to make such motion.

Mr. Heyburn moved to suspend the rules for the purpose of making a motion.

Said motion was agreed to by voice vote.

Resolved that the title thereof, H. B. No. 21, be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF ENROLLMENT COMMITTEE.

Mrs. Stovall, Chairman of the Committee on Enrollment to which same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 3. AN ACT changing the classification of the City of Calvert City in Marshall County.

H. B. No. 8. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts, etc.

Thereupon, all other business was suspended, said bills were reported to be corrcetly enrolled, and thereupon the Speaker, in the presence of the House, affixed his signature on said bills.

Ordered that the Enrolling Clerk of the House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 20. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is hereby appropriated out of the General Expenditure Fund, including any surplus cash balance to the credit of the General Expenditure Fund as of June 30, 1954, for the fiscal year beginning July 1, 1954, and ending June 30, 1955, and for the fiscal year beginning July 1, 1955, and ending June 30, 1956, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two, Three, and Four of this Budget Act, as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions.*

1955-56 ---------- $400,000

B. *Legislative Research Commission.* Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ---------- $88,475

1955-56 ---------- $91,275

C. *Legislative Journals and Acts.* For preparing, indexing, editing, and printing the Journals and Acts of the General As-

sembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ----------$20,000

together with any unexpended balance available on June 30, 1954.

1955-56 ----------$24,000

D. *The Council of State Governments.*

1954-55 ----------$7,500

1955-56 ----------$7,500

TOTAL—LEGISLATIVE

1954-55 ----------$115,975

1955-56 ----------$522,775

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2. LIEUTENANT GOVERNOR

A. *Lieutenant Governor.*

1954-55 ----------$8,500

1955-56 ----------$8,500

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and commissioners.

1954-55 ----------$203,000

1955-56 ----------$204,500

B. *Clerk of Court of Appeals.*

1954-55 ----------$29,200

1955-56 ----------$29,600

C. *Board of Bar Examiners.*

1954-55 ..... $500
1955-56 ..... $500

D. *Circuit Courts.* For salaries and expenses of Circuit judges.

1954-55 ..... $412,500
1955-56 ..... $412,500

E. *Judicial Council.*

1954-55 ..... $13,500
1955-56 ..... $13,500

Subject to provisions of KRS Chapter 45 the financial administration of the above appropriations may, by order of the Court of Appeals, be committed in whole or in part to an officer designated by the Court during the pleasure of the Court. The cost of the office may be apportioned among the above appropriations as directed by the Court. The officer may perform such other administrative functions as the Court may direct.

TOTAL—JUDICIARY

1954-55 ..... $658,700
1955-56 ..... $660,600

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4. EXECUTIVE DEPARTMENT

A. *Governor's Office.*

1954-55 ..... $56,250
1955-56 ..... $56,250

B. *Contingent Fund.*

1954-55 ..... $10,000
1955-56 ..... $10,000

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund. Any

unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ..... $500,000
1955-56 ..... $500,000

TOTAL—EXECUTIVE DEPARTMENT

1954-55 ..... $566,250
1955-56 ..... $566,250

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5. SECRETARY OF STATE

A. *Secretary of State.*

1954-55 ..... $52,550
1955-56 ..... $53,300

6. DEPARTMENT OF LAW

A. *Attorney General.*

1954-55 ..... $104,000
1955-56 ..... $104,500

7. STATUTE REVISION COMMISSION

A. *Statute Revision Commission.*

1954-55 ..... $37,375
1955-56 ..... $39,500

8. DEPARTMENT OF TREASURY

A. *State Treasurer.*

1954-55 ..... $56,725
1955-56 ..... $59,175

9. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.*

1954-55 ..... $50,125
1955-56 ..... $52,325

10. DEPARTMENT OF FINANCE

A. *Commissioner of Finance.*

1954-55 ..... $386,750
1955-56 ..... $401,050

B. *Division of Services.*

1954-55 ..... $291,750
1955-56 ..... $300,850

C. *Confederate Pensions.*

1954-55 ..... $16,600
1955-56 ..... $11,800

D. *Paper for Election Ballots.* Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1954-55 ..... $10,000
1955-56 ..... $10,000

TOTAL—DEPARTMENT OF FINANCE

1954-55 ..... $705,100
1955-56 ..... $723,700

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11. DEPARTMENT OF REVENUE

A. *General Operations.*

1954-55 ..... $1,195,000
1955-56 ..... $1,196,000

B. *Reappraisals.*

1954-55 ..... $150,000
1955-56 ..... $150,000

C. *County Tax Commissioners.*

1954-55 ..... $1,146,000
1955-56 ..... $1,156,000

TOTAL—DEPARTMENT OF REVENUE

1954-55 ..... $2,491,000
1955-56 ..... $2,502,000

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12. ELECTIONS

A. *Board of Election Commissioners.*

1954-55 ..... $1,700
1955-56 ..... $1,700

B. *Board of Registration and Purgation.*

1954-55 ..... $13,050
1955-56 ..... $ 2,300

C. *Elections.* For County Elections (State Share),
1954-55 ----------$170,000
1955-56 ----------$170,000

TOTAL—ELECTIONS
1954-55 ----------$184,750
1955-56 ----------$174,000

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13. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.*
1954-55 ----------$126,060
1955-56 ----------$133,090

B. *Armories—Rental.*
1954-55 ----------$121,720
1955-56 ----------$121,720

C. *Civil Defense.*
1954-55 ----------$33,470
1955-56 ----------$34,015

TOTAL—DEPARTMENT OF MILITARY AFFAIRS
1954-55 ----------$281,250
1955-56 ----------$288,825

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14. KENTUCKY DISABLED EX-SERVICE MEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board.*
1954-55 ----------$89,350
1955-56 ----------$90,675

15. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*
1954-55 ----------$121,425
1955-56 ----------$124,425

16. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*
1954-55 ----------$129,800
1955-56 ----------$136,200

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *General Operations.*
1954-55 ..... $178,500
1955-56 ..... $167,500

B. *Mineral Survey.*
1954-55 ..... $40,000
1955-56 ..... $40,000

C. *Topographic Mapping.*
1955-56 ..... $15,000

D. *Water Resources Survey.*
1954-55 ..... $96,000
1955-56 ..... $96,000

TOTAL—AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD
1954-55 ..... $314,500
1955-56 ..... $318,500

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18. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Law Librarian.*
1954-55 ..... $15,575
1955-56 ..... $16,200

B. *State Librarian.*
1954-55 ..... $5,075
1955-56 ..... $5,075

C. *Law Library Books.* For expenses as provided for under KRS 171.110,
1954-55 ..... $7,500
1955-56 ..... $7,500

D. *Library Sales Account.* For expenses of publishing opinions of the Court of Appeals,
1954-55 ..... $4,400
1955-56 ..... $4,400

E. *Distribution and Repair of Books.*
1954-55 ----------$1,000
1955-56 ----------$1,000

F. *Kentucky State Historical Society.*
1954-55 ----------$31,650
1955-56 ----------$33,075

G. *Division of Library Extension.*
1954-55 ----------$232,150
1955-56 ----------$149,950

Includes $50,000 each year for the Public Library Service Commission.

TOTAL—DEPARTMENT OF LIBRARY AND ARCHIVES
1954-55 ----------$297,350
1955-56 ----------$217,200

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19. DEPARTMENT OF BUSINESS REGULATIONS

A. *Division of Athletic Control.*
1954-55 ----------$4,700
1955-56 ----------$4,700

20. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.*
1954-55 ----------$95,950
1955-56 ----------$95,550

21. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*
1954-55 ----------$234,000
1955-56 ----------$240,000

22. RAILROAD COMMISSION

A. *Railroad Commission.*
1954-55 ----------$30,475
1955-56 ----------$30,475

23. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control.*

1954-55 ..... $230,650
1955-56 ..... $237,500

24. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance, except that refunds of $100 or less may be authorized solely by the head of the department or agency to whom the money was originally paid or by any subordinate officer or employee designated in writing by the head of the department or agency.

1954-55 ..... The Amount Necessary
1955-56 ..... The Amount Necessary

B. *Bonds of Elective Officers.* For payment of premiums on bonds of elected State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1954-55 ..... $1,300
1955-56 ..... $1,300

C. *Judgments.* For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1954-55 ..... $37,500
1955-56 ..... $37,500

D. *Frankfort Cemetery.*

1954-55 ..... $250
1955-56 ..... $250

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165,

1954-55 ..... $300
1955-56 ..... $300

F. *Statutes and Codes for Courts.* For purchasing copies of the statutes of Kentucky and Kentucky Codes of Practice for the purposes contemplated in KRS 57.340. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1954-55 ---------- $2,150
1955-56 ---------- $1,500

G. *Kentucky Directory.*
1954-55 ---------- $1,100

H. *Interstate Oil Compact.*
1954-55 ---------- $1,000
1955-56 ---------- $1,000

I. *Prior Year Claims.*
1954-55 ---------- The Amount Necessary
1955-56 ---------- The Amount Necessary

J. *Public Improvements.* For paying assessments for public works against property owned by the State as provided by KRS 94.297,

1954-55 ---------- $7,000
1955-56 ---------- $7,000

K. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund,

1954-55 ---------- $20,000
1955-56 ---------- $20,000

L. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission,

1954-55 ---------- $600
1955-56 ---------- $600

M. *Social Security for Circuit Clerks, Master Commissioners, and Court Reporters.*

1954-55 ---------- $9,000
1955-56 ---------- $9,000

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1954-55 ..... $80,200
1955-56 ..... $78,450

25. DEPARTMENT OF INSURANCE

A. *Department of Insurance.*

1954-55 ..... $65,000
1955-56 ..... $65,000

26. COUNTY COSTS

A. *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks), Commissions on Fines and Forfeitures, Commonwealth's Attorneys, Return of Fugitives from Justice, County Highway Patrol, Premiums on Sheriffs' Bonds, Pauper Idiots, and County Boards of Supervisors.*

1954-55 ..... $2,676,400
1955-56 ..... $2,676,400

27. CONSTITUTION REVIEW COMMISSION

A. *Constitution Review Commission.*

1954-55 ..... $2,500
1955-56 ..... $2,500

TOTAL—I. GENERAL GOVERNMENT

1954-55 ..... $ 9,684,600
1955-56 ..... $10,073,025

II. WELFARE

28. DEPARTMENT OF WELFARE

A. *Central Office.* For expenses of the Office of the Commissioner, Division of Staff Services, Division of Corrections and Agricultural Production.

1954-55 ..... $166,775
1955-56 ..... $170,125

B. *Kentucky Training Home.*
1954-55 ..... $587,860
1955-56 ..... $605,460

C. *Penal Institutions.* For expenses of Kentucky State Reformatory, Women's Prison, and Kentucky State Penitentiary,
1954-55 ..... $1,530,955
1955-56 ..... $1,585,270

D. *Probation and Parole.* For expenses of the Division of Probation and Parole and the Parole Board,
1954-55 ..... $215,500
1955-56 ..... $222,400

E. *Kentucky Children's Bureau.* For expenses of the Youth Authority, Kentucky Village, Kentucky Children's Home, and Division of Child Welfare—Social Services,
1954-55 ..... $1,121,560
1955-56 ..... $1,164,145

F. *Child Welfare—Benefits.* For boarding home care and other benefit expenses, and not to be used for costs of administration,
1954-55 ..... $300,000
1955-56 ..... $325,000

G. *Home for Incurables.*
1954-55 ..... $15,000
1955-56 ..... $15,000

H. *Maintenance of Buildings.*
1954-55 ..... $100,000
1955-56 ..... $100,000

TOTAL—DEPARTMENT OF WELFARE
1954-55 ..... $4,037,650
1955-56 ..... $4,187,400

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29. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (Matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in

effect or hereinafter enacted and under any act of Congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also, for the administration of Old Age Assistance, Aid to Dependent Children, Services to Needy Children and Aid to the Needy Blind, including cost to the State Treasurer for preparing, printing and issuing checks for recipients of Public Assistance Programs.

A. *Public Assistance – Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230,

1954-55 ..... $1,078,000
1955-56 ..... $1,100,000

B. *Public Assistance–Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor,

1954-55 ..... $10,631,200
1955-56 ..... $10,958,200

C. *Division of Personnel Security.* For administering the Social Security Act.

1954-55 ..... $16,500
1955-56 ..... $16,600

TOTAL–DEPARTMENT OF ECONOMIC SECURITY

1954-55 ..... $11,725,700
1955-56 ..... $12,074,800

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30. DEPARTMENT OF HEALTH

A. *General Operations and County Health.*
1954-55 ..... $1,921,400
1955-56 ..... $2,033,600

B. *Red Cross Hospital.*
1954-55 ..... $31,500
1955-56 ..... $31,500

C. *Kentucky Crippled Children's Commission.*
1954-55 ..... $202,500
1955-56 ..... $202,500

D. *Medical Research Commission.*
1954-55 ..... $300,000
1955-56 ..... $300,000

E. *Julius Marks Sanatorium.*
1954-55 ..... $105,000
1955-56 ..... $105,000

F. *Covington-Kenton County Tuberculosis Sanatorium.*
1954-55 ..... $55,000
1955-56 ..... $60,000

G. *Warren County Tuberculosis Sanatorium.*
1954-55 ..... $36,000
1955-56 ..... $36,000

H. *Waverly Hills Tuberculosis Sanatorium.*
1954-55 ..... $200,000
1955-56 ..... $200,000

I. *Water Pollution Control Commission.*
1954-55 ..... $43,900
1955-56 ..... $45,300

J. *Kentucky Division-American Society for Control of Cancer.*
1954-55 ..... $45,000
1955-56 ..... $45,000

K. *Vital Statistics.*
1955-56 ..... $25,000

TOTAL—DEPARTMENT OF HEALTH
1954-55 ..... $2,940,300
1955-56 ..... $3,083,900

31. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision,
1954-55 ..... $1,902,500
1955-56 ..... $1,937,200

32. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health.*
1954-55 ..... $4,760,175
1955-56 ..... $4,912,075

TOTAL—II. WELFARE
1954-55 ..... $25,366,325
1955-56 ..... $26,195,375

III. EDUCATION

33. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.* For expenses of the divisions within the department and State Board of Education,
1954-55 ..... $303,450
1955-56 ..... $310,350

B. *Common School Per Capita Fund.* For the payment of monthly salaries of teachers and for no other purposes.
1954-55 ..... $26,212,500
1955-56 ..... $26,212,500

The State Board of Education shall not approve any working budget or salary schedule for a local board of education for the school year 1954-55 and 1955-56 in which the total amount budgeted for teachers' salaries in the school year 1953-54 is not increased by the minimum additional amount of per capita

revenue apportioned to that district over that received in the school year 1953-54 except where there is a decrease in the combined local revenue and equalization funds of that district after the district has levied the maximum ad valorem tax rate permitted by law and, except where the total number of teaching positions in a district has been reduced as a result of mergers of districts or consolidations or discontinuance of schools which have been approved by the State Board of Education. Any such reduction permitted shall be only for the amount of the decrease in the combined local revenue and equalization and/or the total of the salaries of such teaching positions that have been eliminated from the school district. In no case shall any teacher's salary be less than the amount that teacher would have received had there been no consolidation or merger.

In the event any local board of education claims there is a decline in local revenue in that district, the State Board of Education shall certify such claim to the Department of Revenue whose duty it shall be to determine whether or not there is a decline in local revenue of such district and, if so, the amount of such decline in local revenue. The Department of Revenue shall then make its certification to the State Board of Education and said Board shall accept said certification as final.

The above amount includes $138,937.63 for each fiscal year which is interest on State School Bonds, as provided by the State Constitution for the support of common schools.

C. *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1954-55 ---------- $8,573,000
1955-56 ---------- $8,573,000

D. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding $26,625 in 1954-55 and $23,950 in 1955-56 of this appropriation may be used for administration (includes expenses of the State Textbook Commission).

1954-55 ---------- $869,625
1955-56 ---------- $1,023,950

E. *School Lunch Program.*
1954-55 ---------- $49,800
1955-56 ---------- $50,650

F. *Kentucky School for the Blind.*
1954-55 ---------- $189,900
1955-56 ---------- $181,700

G. *Kentucky Workshop for Adult Blind.*
1954-55 ---------- $21,000
1955-56 ---------- $20,500

H. *Mayo State Vocational School.*
1954-55 ---------- $166,050
1955-56 ---------- $170,750

I. *Northern Kentucky Vocational School.*
1954-55 ---------- $65,600
1955-56 ---------- $69,250

J. *West Kentucky Vocational School.*
1954-55 ---------- $123,150
1955-56 ---------- $125,350

K. *Vocational Education—State Program.*
1954-55 ---------- $441,500
1955-56 ---------- $438,700

L. *Vocational Rehabilitation.*
1954-55 ---------- $136,000
1955-56 ---------- $146,000

M. *Council on Higher Education.* For participation in the Veterinary training program of the Board of Control for Southern Regional Education,
1954-55 ---------- $67,000
1955-56 ---------- $65,000

N. *Out of District Children.*
1954-55 ---------- $30,000
1955-56 ---------- $30,000

O. *Special Education for Handicapped Children.*
1954-55 ---------- $17,125
1955-56 ---------- $17,475

P. *Veterans' Approval Agency.*
1954-55 ----------$2,000
1955-56 ----------$2,000

TOTAL—DEPARTMENT OF EDUCATION
1954-55 ----------$37,267,700
1955-56 ----------$37,437,175

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34. UNIVERSITY OF KENTUCKY

A. *Division of Colleges.*
1954-55 ----------$3,485,850
1955-56 ----------$3,485,850

B. *Interest on Land Grant Bonds.*
1954-55 ----------$8,700
1955-56 ----------$8,700

C. *Agricultural Experiment Station.*
1954-55 ----------$536,600
1955-56 ----------$536,600

D. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension),
1954-55 ----------$675,350
1955-56 ----------$675,350

TOTAL—UNIVERSITY OF KENTUCKY
1954-55 ----------$4,706,500
1955-56 ----------$4,706,500

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35. EASTERN STATE COLLEGE

A. *Eastern State College.*
1954-55 ----------$625,250
1955-56 ----------$625,250

36. MOREHEAD STATE COLLEGE

A. *Morehead State College.*
1954-55 ----------$472,950
1955-56 ----------$472,950

37. MURRAY STATE COLLEGE

A. *Murray State College.*

1954-55 ..... $616,600
1955-56 ..... $616,600

38. WESTERN STATE COLLEGE

A. *Western State College.*

1954-55 ..... $669,950
1955-56 ..... $669,950

39. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1954-55 ..... $440,000
1955-56 ..... $440,000

40. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710,

1954-55 ..... $2,724,275
1955-56 ..... $697,725

41. SCHOOL FOR THE DEAF

A. *School for the Deaf.*

1954-55 ..... $304,000
1955-56 ..... $315,000

42. LINCOLN INSTITUTE

A. *Lincoln Institute.*

1954-55 ..... $134,600
1955-56 ..... $138,400

TOTAL—III. EDUCATION

1954-55 ..... $47,961,825
1955-56 ..... $46,119,550

IV. AGRICULTURE AND CONSERVATION

43. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*

1954-55 ..... $323,150
1955-56 ..... $331,350

44. STATE FAIR BOARD

A. *Premiums for State Fair.*
1954-55 ..... $100,000
1955-56 ..... $100,000

45. DEPARTMENT OF CONSERVATION

A. *Office of the Commissioner.*
1954-55 ..... $46,495
1955-56 ..... $49,140

B. *Division of Forestry.*
1954-55 ..... $313,895
1955-56 ..... $320,750

C. *Division of Publicity.*
1954-55 ..... $140,850
1955-56 ..... $144,650

D. *Division of Soil and Water Resources.*
1954-55 ..... $80,000
1955-56 ..... $82,000

E. *Division of Flood Control and Water Usage.*
1954-55 ..... $30,300
1955-56 ..... $31,600

F. *Division of State Parks.*
1954-55 ..... $275,000
1955-56 ..... $275,000

G. *Ohio River Valley Water Sanitation Commission.*
1954-55 ..... $27,560
1955-56 ..... $27,560

TOTAL—DEPARTMENT OF CONSERVATION
1954-55 ..... $914,100
1955-56 ..... $930,700

TOTAL—IV. AGRICULTURE AND CONSERVATION
1954-55 ..... $1,337,250
1955-56 ..... $1,362,050

V. OTHER

46. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.* For rental of office space in New Capitol Annex Office Building for agencies supported by the General Fund,

1954-55	$250,000
1955-56	$250,000

TOTAL—V. OTHER	
1954-55	$250,000
1955-56	$250,000

GRAND TOTAL	
1954-55	$84,600,000
1955-56	$84,000,000

PART TWO

NON-RECURRING COSTS

There is hereby appropriated out of the General Expenditure Fund, including any surplus cash balance to the credit of the General Expenditure Fund as of June 30, 1954, the following sums for the following departments, agencies, boards, commissions and subdivisions of the State Government listed hereinafter, for the following purposes:

I. GENERAL GOVERNMENT

1. STATUTE REVISION COMMISSION

A. *Statute Revision Commission—Printing Revolving Fund.* To be used for printing the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes and supplements to these publications. Reimbursement shall be made to this account from sales of these publications. Any unexpended or unencumbered balance remaining at the end of fiscal

year 1954-55 shall not lapse, but shall be available for expenditure during any following fiscal year,

1954-55 ----------$15,000

together with any funds remaining in the account on June 30, 1954.

2. DEPARTMENT OF FINANCE

A. *Division of Services Revolving Fund.* To be used to purchase and provide stamps and postage, supplies and equipment, building utility services and duplicating services for the various budget units of State Government. Reimbursement shall be made to this account by the various budget units for materials, supplies and utility services furnished and services rendered. This account supersedes and consolidates the Building Services Revolving Fund, Postage Revolving Fund and Central Stores Revolving Fund and all assets and obligations of said Funds as of June 30, 1954, are transferred to and deemed to be appropriated to and assumed by the Division of Services Revolving Fund. Any funds to the credit of this account shall be available for expenditure for any of the purposes specified herein but such accounting practices shall be maintained by the division as will accurately reflect the financial condition of the various functions being performed with the funds in the account. Any unexpended balance remaining at the end of fiscal year 1954-55 shall not lapse, but shall be available for expenditure during any following fiscal year,

1954-55 ----------$40,000

3. AGRICULTURAL & INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Survey.* For matching available Federal Funds for compilation of modern large scale topographic maps of Kentucky. Any unexpended balance at the end of the fiscal year shall be carried over to the second,

1954-55 ----------$200,000, together with any balance to the credit of this account as of June 30, 1954.

II. EDUCATION

1. DEPARTMENT OF EDUCATION

1. STATE PROPERTY & BUILDINGS COMMISSION

A. *Veterans' Approval Agency Revolving Fund.* For payment of administrative expenses in connection with the approval of educational institutions for training and educating veterans for which reimbursement is made by the Federal Government. Any unexpended or unencumbered balance of this appropriation shall not lapse at the end of fiscal year 1954-55, but shall be available for expenditure during the second year of the biennium,

1954-55 ----------$14,000

III. AGRICULTURE & CONSERVATION

1. DEPARTMENT OF CONSERVATION

A. *Division of Forestry.* For capital outlay purposes only,

1954-55 ----------$22,300

IV. OTHER

1. STATE PROPERTY & BUILDINGS COMMISSION

A. *For Capital Outlay.* For expenditure in accordance with the provisions of KRS 56.440 through 56.550. It is further provided that any necessary amount of this appropriation may be spent for administrative and operating expenses. Any unencumbered and any unexpended balance of this appropriation remaining at the end of the fiscal year for which the same is appropriated and such balance of prior capital outlay appropriations remaining on June 30, 1954, shall not lapse but may be expended for capital outlay purposes only thereafter and shall be carried forward until expended for such purposes,

1954-55 ----------$6,708,700

1955-56 ----------$, a sum equal to the balance of appropriations for fiscal year 1954-55 from the General Expenditure Fund that shall lapse in accordance with KRS 45.230.

GRAND TOTAL
1954-55 ---------- $7,000,000

PART THREE

STATE ROAD FUND

There is hereby established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all of the revenue realized from fees, taxes and license fees levied for State Road Purposes now authorized by law, or that may hereafter be authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1954, shall constitute the State Road Fund for the fiscal years 1954-55 and 1955-56. There is hereby appropriated from the State Road Fund the following amounts for the following departments, agencies, and sub-divisions of the State Govermnent, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions, and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of

Highways for maintenance, the sum of Five Million (5,000,000) Dollars for each of the fiscal years 1954-55 and 1955-56. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, sub-section 2, paragraph A of Part Three of the Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF TREASURY

A. *Department of Treasury.* For expenses pertaining to treasury administration for the Department of Highways.

1954-55 ---------- $27,500
1955-56 ---------- $27,500

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial and personnel administration for the Department of Highways.

1954-55 ---------- $185,000
1955-56 ---------- $191,400

5. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration, motorist's financial responsibility, and other laws relating to motor vehicles and highways.

1954-55 ---------- $903,000
1955-56 ---------- $924,000

6. DEPARTMENT OF STATE POLICE

A. *Department of State Police.* For expenses of operation of the Department as provided by law.

1954-55 ..... $2,049,300
1955-56 ..... $2,134,200

7. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Program.*

1954-55 ..... $200,000
1955-56 ..... $ 15,000

B. *Water Survey.*

1954-55 ..... $48,000
1955-56 ..... $48,000

8. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation.*

1954-55 ..... $359,100
1955-56 ..... $370,100

9. DEPARTMENT OF CONSERVATION

A. *Department of Conservation, Division of Publicity.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky Highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists.

1954-55 ..... $250,000
1955-56 ..... $250,000

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1954-55 ..... $4,021,900
1955-56 ..... $3,960,200

III. ADMINISTRATION AND EFFECT

All funds appropriated to the Department of Highways by Section I of Part Three of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of

Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year of the State Road Fund ending June 30, 1954.

PART FOUR
REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1955, and for the fiscal year ending June 30, 1956, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below named agencies of the State Government. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government. Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, during the fiscal year ending June 30, 1955, and during the fiscal year ending June 30, 1956, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30 of the then current fiscal year, by the Department of Finance.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1954-55 or fiscal year 1955-56 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Appropriation Act, the excess is hereby appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that said excess shall become available for expenditure for the purposes of the account dur- said year only with the authorization of the Commissioner of Finance and approval of the Governor.

I. GENERAL GOVERNMENT

1. JUDICIARY

A. *Board of Bar Examiners.*

1954-55 ..... $8,150
1955-56 ..... $8,000

2. STATUTE REVISION COMMISSION

A. *Administrative Regulations.*

1954-55 ..... $1,000
1955-56 ..... $1,000

3. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.*

1954-55 ..... $15,700
1955-56 ..... $15,900

4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.* To be used for the purchase of paper to be held in stock until used by the various budget units. Reimbursement shall be made to this account by the budget units for paper used.

5. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.*

1954-55 ..... $1,187
1955-56 ..... $ 500

6. DEPARTMENT OF AERONAUTICS

A. *Commissioner of Aeronautics.*
1954-55 ---------- $3,300
1955-56 ---------- $3,300

B. *Airport Development.*

7. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*
1954-55 ---------- $72,000
1955-56 ---------- $72,000

8. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *General Operations.*
1954-55 ---------- $11,000
1955-56 ---------- $14,000

9. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Kentucky Historical Society.*
1954-55 ---------- $9,700
1955-56 ---------- $8,460

B. *Library Extension.*
1954-55 ---------- $880
1955-56 ---------- $880

10. DEPARTMENT OF BUSINESS REGULATIONS

A. *Board of Accountancy.*
B. *Board of Psychology.*
C. *Board of Examiners and Registration of Architects.*
D. *Board of Barbers and Beauticians Examiners.*
E. *Board of Chiropractic Examiners.*
F. *Board of Dental Examiners.*
G. *Board of Embalmers and Funeral Directors.*
H. *Board of Pharmacy.*
I. *Board of Prophylactic Enforcement.*
J. *Board of Nursing Education and Nurse Registration.*
K. *Board of Veterinary Examiners.*

L. *Board of Registration for Professional Engineers.*
M. *Kentucky Real Estate Commission.*
N. *Board of Optometric Examiners.*
O. *Board of Chiropody.*

11. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.*

12. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*
1954-55 ---------- $51,350
1955-56 ---------- $39,750

13. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expense.*
1954-55 ---------- $6,000
1955-56 ---------- $6,000

14. DEPARTMENT OF BANKING

A. *Department of Banking.*

15. COUNTY FEES

A. *Jefferson County Master Commissioner.*
B. *Jefferson County Receiver.*
C. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five (25%) of said fees as may be required by KRS 64.350.

D. *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

E. *Fayette County Fees.* For paying various officials of Fayette County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

F. *Campbell County Fees.* For paying various officials of Campbell County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

G. *Pike County Fees.* For paying various officials of Pike County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

16. TRUCK LICENSES–COUNTY SHARE

A. *Truck Licenses–County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

17. DEPARTMENT OF INSURANCE

A. *Fire Prevention.* All fees, receipts, collections and assessments paid to the State Treasury during the calendar years 1954 and 1955, under KRS 136.360, and also an amount equal to twenty five percent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of sub-sections 1 through 10 except 9 of KRS 304.460,

are hereby appropriated to the Fire Prevention and Rates Section for the fiscal years ending June 30, 1955, and June 30, 1956, respectively.

B. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

C. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035.

D. *Liquefied Petroleum.* All fees paid pursuant to the provisions of KRS 234.030.

E. *Examination of Insurance Agents.* All fees paid pursuant to KRS 304.460 (9).

18. PUBLIC SERVICE COMMISSION

A. *Public Service Commission.* The fees collected subject to the provisions of KRS 278.130 to 278.150.

II. WELFARE

1. DEPARTMENT OF WELFARE

A. *Kentucky Training Home.*
1954-55 ---------- $20,620
1955-56 ---------- $13,220

B. *Penal Institutions.*
1954-55 ---------- $113,686
1955-56 ---------- $109,422

C. *Kentucky Children's Bureau.*
1954-55 ---------- $262,143
1955-56 ---------- $261,770

D. *Metal Stamping Plant.*
1954-55 ---------- $172,000
1955-56 ---------- $172,000

E. *Dairy Feed Project.*
1954-55 ---------- $153,000
1955-56 ---------- $160,000

F. *Soap Factory.*
1954-55 ---------- $50,000
1955-56 ---------- $75,000

2. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security.*
1954-55 ..... $29,694,600
1955-56 ..... $30,672,300

3. DEPARTMENT OF HEALTH

A. *General Operations and County Health.*
1954-55 ..... $1,144,725
1955-56 ..... $1,095,875

B. *Kentucky Crippled Children's Commission.*
1954-55 ..... $367,400
1955-56 ..... $367,400

4. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.*
1954-55 ..... $187,500
1955-56 ..... $187,500

5. DEPARTMENT OF MENTAL HEALTH.

A. *Department of Mental Health.*
1954-55 ..... $414,070
1955-56 ..... $415,070

III. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.*
1954-55 ..... $21,000
1955-56 ..... $21,000

B. *School Lunch Program.*
1954-55 ..... $1,951,235
1955-56 ..... $1,951,235

C. *Kentucky School for the Blind.*
1954-55 ..... $1,200
1955-56 ..... $1,200

D. *Kentucky Workshop for Adult Blind.*
1954-55 ..... $110,000
1955-56 ..... $110,000

E. *Mayo State Vocational School.*
1954-55 ----------$44,100
1955-56 ----------$40,700

F. *Northern Kentucky Vocational School.*
1954-55 ----------$5,300
1955-56 ----------$5,350

G. *West Kentucky Vocational School.*
1954-55 ----------$27,348
1955-56 ----------$26,450

H. *Vocational Education—State Program.*
1954-55 ----------$680,800
1955-56 ----------$680,800

I. *Vocational Education—Veterans' Program.*
1954-55 ----------$1,039,255
1955-56 ----------$1,040,485

J. *Vocational Rehabilitation.*
1954-55 ----------$180,280
1955-56 ----------$193,525

K. *Special Education for Handicapped Children.*
1954-55 ----------$9,900
1955-56 ----------$8,900

L. *Business Enterprise Program.*
1954-55 ----------$7,500
1955-56 ----------$6,800

M. *Veterans' Approval Agency.*
1954-55 ----------$63,730
1955-56 ----------$65,100

N. *Surplus Property.*
1954-55 ----------$56,675
1955-56 ----------$57,700

O. *Jeannes Fund.*
1954-55 ----------$720
1955-56 ----------$720

2. UNIVERSITY OF KENTUCKY

A. *University of Kentucky.*

1954-55 ..... $3,765,000
1955-56 ..... $3,765,000

3. EASTERN STATE COLLEGE

A. *Eastern State College.*

1954-55 ..... $403,800
1955-56 ..... $398,800

4. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

1954-55 ..... $382,975
1955-56 ..... $382,975

5. MURRAY STATE COLLEGE

A. *Murray State College.*

1954-55 ..... $503,170
1955-56 ..... $499,170

6. WESTERN STATE COLLEGE

A. *Western State College.*

1954-55 ..... $277,060
1955-56 ..... $276,250

7. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1954-55 ..... $167,300
1955-56 ..... $167,300

8. KENTUCKY SCHOOL FOR THE DEAF

A. *Kentucky School for the Deaf.*

1954-55 ..... $3,000
1955-56 ..... $2,000

9. LINCOLN INSTITUTE

A. *Lincoln Institute.*

1954-55 ..... $82,650
1955-56 ..... $82,650

IV. AGRICULTURE AND CONSERVATION

1. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*
1954-55 ----------$37,000
1955-56 ----------$34,000

2. STATE FAIR BOARD

A. *State Fair Board.*
1954-55 ----------$305,000
1955-56 ----------$305,000

3. DEPARTMENT OF CONSERVATION

A. *Division of Forestry.*
1954-55 ----------$215,048
1955-56 ----------$209,848

B. *Division of Publicity.*
1954-55 ----------$12,000
1955-56 ----------$12,000

C. *Division of Parks.*
1954-55 ----------$1,890,000
1955-56 ----------$1,947,330

D. *Division of Soil and Water Resources.*

4. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

A. *Department of Fish and Wildlife Resources.*

5. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission.*
1954-55 ----------$15,000
1955-56 ----------$16,500

V. OTHER

1. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.*

PART FIVE

GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1954, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purposes for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Parts I and II in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of

Finance, in the manner set forth and as provided by general law, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made in Parts I and II to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1954-55 exceed the sum of Ninety One Million Six Hundred Thousand Dollars ($91,600,000) such excess, but not to exceed Three Million Dollars ($3,000,000) is hereby appropriated to the Governor's Special Emergency Fund to be used by him for the fiscal year 1955-56 for supplementing existing appropriations for ordinary recurring and extraordinary governmental expenses deemed emergencies by the Governor and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of all or any part of said fund.

4. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each sub-section thereof, as a separate and/or specific appropriation and law, and if any section or any sub-section thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, sub-sections, or provisions contained herein.

5. All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed by this Act, except as provided by Chapters 12, 42, and 45 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harry M. Caudill	Cabell D. Francis
Walter J. Bailey	Cassius M. Clay	W. L. Hadden
John Rhea Banton	Paul Cobb	C. Ruby Harralson
Clarence J. Barnum	William J. Conley	George F. Harris
Wallace Bartley	R. Josh Cosby	Harold G. Helm
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	David Heskamp
Owen Billington	Charles W. Craig	Estill R. Hilton
Leo A. Bleemel	W. Marvin Davis	Chester J. Holsclaw
J. Murray Blue	John L. Day	Varna Holt
J. C. Bradley	C. E. Dowell	William M. Horn
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	William L. Jones
Edward O. Bridgers	O. O. Duncan	Talmage Lacy
John Young Brown	Harold Edmonds	James W. Lambert
Charles W. Buchanan	Addison L. Everett	George H. Lovelace
	Herbert Fern	Harry King Lowman
	Thomas P. Fitzpatrick	Shelby McCallum
		Ralph E. McClanahan

Caleb McFadden	Foster Ockerman	E. H. Stumbo
William E. Maglinger	Louis T. Peniston	C. Waitman Taylor
Damon Majors	Edward D. Pollitte	Eulick Walsh
William C. Mann	Paul T. Ratcliffe	Will Tom Wathen
William J. Marcum	Jack Raybourne, Jr.	W. W. Webster
George R. Martin	Hobart Rayburn	Morris Weintraub
Carl D. Melton	Robert Reid	Hicks Wells
Alton B. Mitchell	Russell Reynolds	William B. Wells
Tom Mobley	Lloyd E. Rogers	Warren D. Williams
Robert K. Montgomery	Joe Rouse	Mrs. Randolph Wilson
Walter R. Moorman	William A. Routh	T. D. Winstead
Fred Morgan	Cecil C. Sanders	Charles W. Wirsch
Eddie J. Morris	LeRoy Saylor	Walker H. Wiseman
Thomas J. Murphy	W. R. Smith	Dr. Clyde D. Wooton
Goebel W. Newsom, Jr.	Mrs. Thelma L. Stovall	Paul E. Young

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Those who voted in the negative were—

Albert Dempsey	Lon C. Hill	Henry R. Heyburn

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. Res. No. 11 be recommitted to the Committee on Ways and Means, the committee to which it had previously been referred.

Said motion was agreed to.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees has referred the following bills and resolutions to the following committees, viz:

House Bill No. 2—Constitutional Amendments

House Bill No. 4—Revenue and Taxation

House Bill No. 7—Ways and Means

House Bill No. 9—Cities of the Fifth Class.

House Bill No. 10—Motor Transportation

House Bill No. 11—Fish and Game

House Bill No. 12—Revenue and Taxation

House Bill No. 13—Education

House Bill No. 14—Constitutional Amendments

House Bill No. 15—Ky. Statutes No. 2

House Bill No. 16—Ky. Statutes No. 1

House Bill No. 22—Cities of the Second Class

House Bill No. 23—Ky. Statutes No. 1

House Bill No. 24—Cities of the Fourth Class

House Bill No. 25—Forestry, State and National Parks

House Bill No. 26—Revenue and Taxation

House Bill No. 27—Courts and Legal Procedure

House Bill No. 28—Appropriations

House Bill No. 29—Ky. Statutes No. 1

House Bill No. 30—Revenue and Taxation

House Bill No. 31—Ways and Means

House Bill No. 32—Ky. Statutes No. 2

House Bill No. 33—Public Utilities

House Bill No. 34—Ky. Statutes No. 1

House Bill No. 35—Cities of the Fourth Class

House Bill No. 36—Ky. Statutes No. 1

House Bill No. 37—Ky. Statutes No. 1

House Bill No. 38—Criminal Law

House Bill No. 39—Appropriations

House Bill No. 40—Ky. Statutes No. 1

House Resolution No. 4—Ways and Means

House Resolution No. 6—Ways and Means

House Resolution No. 8—Ways and Means

House Resolution No. 9—Ways and Means

House Resolution No. 10—Ways and Means

House Resolution No. 12—Agriculture

Mr. Lowman moved that the House adjourn until 1:00 P. M. Thursday, January 21, 1954.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 21, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Leo A. Bleemel	Harry M. Caudill
Walter J. Bailey	J. Murray Blue	Cassius M. Clay
John Rhea Banton	J. C. Bradley	Paul Cobb
Clarence J. Barnum	Edward T. Breathitt, Jr.	William J. Conley
Wallace Bartley	Edward O. Bridgers	R. Josh Cosby
Charles E. Baumgardner, Sr.	John Young Brown	Vernor O. Cottengim
Owen Billington	Charles W. Buchanan	Charles W. Craig
		W. Marvin Davis
		John L. Day

Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. McClanahan moved that the reading of the Journal of the proceedings of Wednesday, January 20, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Walsh moved that Sue Lane Davis be made an honorary page.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Qualls.

H. Res. No. 15. A JOINT RESOLUTION commending the public officials of the Commonwealth for establishing Carter Caves State Park.

Said resolution is as follows, viz:

WHEREAS, the public minded officials of our great Commonwealth; the Department of Conservation, Hon. Henry Ward, Commissioner, have established in the county of Carter, the Carter Caves State Park; and

WHEREAS, there has been a very recent addition to the park of an extensive, beautiful artificial lake that adds so much to the natural beauty of the park, already one of natures most beautiful and scenic spots under the canopy of heaven, and

WHEREAS, many thousands of people visit this shrine of nature to behold its beauty and grandeur, and the real natural beauty of Kentucky is sold and displayed to the eager visitors from many parts of the world; and

WHEREAS, this public service meets a responsive chord in the depths of the hearts of a patriotic, deserving people, the citizens of Carter County and the Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the good citizens of Carter County express their sincere thanks and lasting gratitude to the public spirited officials of Kentucky for their interest in this monument of beauty that reposes beneath the shadow of the hills we so deeply love.

Section 2. It is directed that a copy of this Resolution be made a part of the official record.

By Mr. Marcum.

H. Res. No. 16. A JOINT RESOLUTION memorializing Congress to amend the Old-Age Survivor's Insurance Act with relation to war veterans with a service-connected disability.

Said resolution is as follows, viz:

WHEREAS, many veterans have had their means of livelihood severely curtailed or completely destroyed as a result of wounds or injuries suffered in the defense of our great country; and

WHEREAS, the help and restitution extended to such veterans has, in most cases, been wholly inadequate; and

WHEREAS, it is the duty of every citizen, both individually and collectively, to take whatever steps are necessary to insure that these veterans shall not continue to be penalized for their courage and bravery in sacrificing a part of themselves in defense of the American way of life;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States is hereby requested to amend the Old-Age and Survivor's Insurance Act (Social Security Act) to provide that any person who has been a member of any branch of the armed forces of the United States during any war in which the United States has participated, shall, upon attaining the age of sixty, and, providing that he is eligible in all other respects, be eligible to receive, immediately, benefits thereunder.

Section 2. That the Clerk of the House of Representatives is directed to forward copies of this resolution to each member of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

By Mr. Hill.

H. Res. No. 17. A JOINT RESOLUTION providing for a study of the desirability of reducing the number of counties in the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, many counties in the Commonwealth of Kentucky are unable to provide satisfactory services to their residents; and

WHEREAS, it appears that it may be desirable to reduce the number of counties in Kentucky to sixty or less; and

WHEREAS, there is a need for a study of the subject of reduction of the number of counties in the Commonwealth of Kentucky; and

WHEREAS, the Legislative Research Commission has the personnel and facilities to make the required study and a comprehensive report thereon;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be, and it is hereby authorized and directed to make a study of the desirability of reducing the number of counties in the Commonwealth of Kentucky to sixty or less.

That the Legislative Research Commission be and it is hereby directed to make a comprehensive report based on its findings to the next regular session of the General Assembly.

By Mr. Burnley and Mr. Walsh.

H. B. No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any owner or operator of a railroad running through or within this state as a common carrier of persons or property or both, for compensation, who either operates for its employes, or who furnishes to its employes for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by KRS 277.245, shall be fined not less one hundred dollars, nor more than five hundred dollars for each offense and each day or paid of a day it operates or furnishes each of such rail track motor cars

not so equipped as provided in KRS 277.245 to its employes for operation to or from the place or places where they are required to work shall constitute a separate offense.

By Mr. Day.

H. B. No. 54. AN ACT relating to licensing of motor vehicles owned by volunteer fire protection units, and amending subsection (3) of section 186.240 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Applications for registration of motor vehicles owned by volunteer fire protection units shall be accompanied by a statement from the head of the unit certifying that the motor vehicle is exclusively owned and operated by the unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and the official number plate described in subsection (3) of section 186.240 of the Kentucky Revised Statutes, and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents in each instance, to be paid by the department upon whose authorization such license was issued.

Section 2. After such registration of any vehicle and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusively by a volunteer fire protection unit, except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

Section 3. No person shall use on a motor vehicle not owned by a volunteer fire protection unit any license plate that

has been issued for use on a motor vehicle owned by a volunteer fire protection unit.

Section 4. Any person who violates this Act shall be fined not less than ten nor more than one hundred dollars for each offense.

Section 5. Subsection (3) of section 186.240 of the Kentucky Revised Statutes is hereby amended to read as follows:

Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police and volunteer fire protection unit identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Highway," "Executive," or "Farm," and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060 relating to the licensing of vehicles owned exclusively by the state or the provisions of this Act, relating to the licensing of vehicles owned by volunteer fire protection units. A state slogan may be placed upon such plate if so desired.

By Mr. Day.

H. B. No. 55. AN ACT relating to punishment for breach of the peace, riot, rout, unlawful assembly or affray, and amending Section 437.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 437.010 of the Kentucky Revised Statutes is amended to read as follows:

Any person who is guilty of breach of the peace, riot, rout, unlawful assembly or affray shall be fined not more than one

hundred dollars or imprisoned for not less than one nor more than fifty days, or both.

By Mr. Hill.

H. B. No. 56. AN ACT relating to examination of books, accounts and papers of county officers, and providing for publication of the findings of such examination, and amending Section 43.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 43.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Auditor shall, once in each year, examine the books, accounts and papers of all county officers receiving or disbursing county funds. The examination shall be made at the same time the Auditor makes the examination for the benefit of the state, and the county shall bear its proportionate part of the actual expense of the examination.

(2) The report of the findings and recommendations of the Auditor shall be published in the newspaper published in the county which has the largest bona fide circulation therein and the cost of such publication shall be paid out of the county treasury.

By Mr. Hill.

H. B. No. 57. AN ACT amending and re-enacting KRS 142.015 to provide a commission for the county court clerk and for the circuit court clerk for collecting miscellaneous taxes under Chapter 142 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

THAT Kentucky Revised Statute 142.015 be amended and re-enacted to read, as follows:

1. The Circuit Court Clerk in each County shall be allowed

5% commission on the amounts collected for State taxes on legal processes and instruments provided for under Kentucky Revised Statute 142.010 (1) (a), and shall be allowed 5% commission on the amounts collected for State taxes on such legal actions and appeals as are filed in the circuit court under Kentucky Revised Statute 142.011.

2. The County Court Clerk in each County shall be allowed 5% commission on all other amounts collected for State taxes on legal processes and instruments provided for under Kentucky Revised Statute 142.010, except amounts collected under (1) (a) thereof, said 5% commission to be retained by the County Clerk on said sums reported to the Department of Finance and paid by the County Clerk into the State Treasury.

By Mr. Marcum.

H. B. No. 58. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind, or service to or for the benefit of needy aged, needy blind, needy children or relative with whom a needy child lives;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistance compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Relative with whom a needy child lives" means the individual, of the degree of relationship prescribed by regulation, with whom such child is living in a place of residence maintained by such individual by himself or together with one or more other persons of the prescribed degree of relationship;

(10) "Private institution" means any establishment or place other than a public institution operated or maintained by any individual, association, corporation or other organization which provides a group living arrangement for four or more individuals, who are cared for and maintained in residence for compensation or otherwise;

(11) "Public institution" means any establishment or place which is the responsibility of and administered by the state or any political subdivision thereof providing a group living arrangement in which one or more individuals are cared for and maintained in residence;

(12) "Public medical institution" means any public institution the primary purpose of which is to furnish hospital care and medical treatment;

(13) "Disabled veteran" means a person who has been a member of any branch of the military forces of the United States during any war, who has attained the age of sixty, and who has a military service-connected disability.

Section 2. Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) A needy aged person, a needy blind person, a needy child, a relative with whom a needy child lives, or a disabled veteran shall be eligible to receive a public assistance grant only if he has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation. No individual shall be eligible to receive public assistance under more than one category of public assistance for the same period of time.

Section 3. Paragraph (a) of subsection (6) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(6) (a) A needy aged person, a needy bling person or a disabled veteran shall not be eligible to receive a public assistance grant unless he now resides and has resided in this state at least three years out of the seven years immediately preceding the application and has resided herein continuously for one year immediately preceding the application.

Section 4. Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy aged, needy blind or disabled veteran applicant or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

Section 5. Subsection (2) of Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(2) Prior to July 1 of each fiscal year the commissioner

shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided for in KRS 205.160 to 205.250 and KRS 205.260 to 205.320; namely, needy children, needy aged, needy blind and disabled veterans, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided, that the commissioner may, in any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

By Mr. Weintraub.

H. B. No. 59. AN ACT relating to the examination of witnesses in civil actions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of Section 421.210 of the Kentucky Revised Statutes is amended to read as follows:

(8) A party, or any person who is or has been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, of a person who is or has been an officer, agent or employe of a corporation shall be confined to events occurring during the existence of his occupational relationship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

By Mr. Mann.

H. B. No. 60. AN ACT relating to issuance of motor vehicle operator's licenses, and amending subsection (1) of Section 186.440 and Section 186.470 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory clause and subsection (1) of Section 186.440 of the Kentucky Revised Statutes is amended to read as follows:

An operator's license shall not be granted to:

(1) Any person under the age of eighteen, except upon compliance with the provisions of KRS 186.470.

Section 2. Section 186.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The application of any minor under the age of eighteen for an operator's license or instruction permit shall not be granted unless the application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of the minor. If the minor has no father or mother or guardian, an operator's license or instruction permit shall not be granted to the minor unless his application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor. Such a signature need not be required in the case of the renewal of a minor's license but the signature on the original application shall continue to make the parent, guardian or other person liable under the provisions of KRS 186.590 on all renewals of the minor's license until he reaches the age of eighteen unless the license, or any renewal thereof, is cancelled as provided in subsection (2) of this Section.

(2) Any person who has signed the application of a minor for a license may file with the department a verified written request that the license of the minor be cancelled. Thereupon the license of the minor shall be cancelled and the person who signed the application shall be relieved as to subsequent acts of the minor from the liability imposed by subsection (1) of KRS 186.590.

(3) The department upon receipt of satisfactory evidence of the death of the person who, pursuant to the provisions of subsection (1), signed the application of a minor for a license shall have the license cancelled and no new license shall be issued

to the minor until a new application, signed and verified, is made as required by this Section.

(4) If the minor applicant is under the age of sixteen, his application, in addition to being signed pursuant to the provisions of subsection (1), must be approved by the county judge of the county of his residence and by the department. The provisions of subsection (1) of KRS 186.590 shall not apply to such county judge, to the department or to any person who approves the application on behalf of the department.

By Mr. Ockerman.

H. B. No. 61. AN ACT relating to compensation for court reporters in circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 28.450 of the Kentucky Revised Statutes is amended to read as follows:

(2) For making original transcripts reporters shall receive thirty cents per hundred words. In civil actions involving less than twenty-five hundred dollars they shall receive ten dollars per day for taking stenographic notes of said actions and thirty cents per hundred words for the original transcript thereof, which shall be paid forthwith by the party in whose behalf the record or transcript is ordered, and same shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the court is held when the transcript is made upon the motion of the Commonwealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of the party suing in forma pauperis, in which event the fee shall be paid by the county. In cases where the offense is a misdemeanor the party asking for the reporter's service shall pay for the same at the rate of ten dollars per day.

By Mr. Weintraub.

H. B. No. 62. AN ACT relating to juries in police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to be numbered 29.135 and to read as follows:

In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided pursuant to KRS 29.135, and at least three days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

By Mr. Fitzpatrick.

H. B. No. 63. AN ACT relating to tax bill forms, notices to taxpayers, and amending subsection (2) of Section 133.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 133.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue annually shall furnish to each county clerk tax bill forms designed for adequate accounting control sufficient to cover the taxable property on the rolls. These tax bill forms shall be furnished not later than ten days after the Kentucky Tax Commission has rendered it certification. The county annually shall furnish the county clerk with sufficient tax bill forms for his use in the preparation of tax bills for all taxpayers who are liable for a poll tax and who own no property assessed for taxation.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a correct tax bill for each taxpayer in the county whose property has been assessed and whose valuation is included in the certification provided in KRS 133.180. If the bills are bound the cost of binding shall be paid out of the county levy. Each tax bill shall show the rate of tax upon each one hundred dollars worth of property for state, county and school purposes; the name of the taxpayer and his mailing address; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund and other levies. The county clerk shall attest each bill by signing it officially. Provision shall be made for the sheriff to have a stub, duplicate or other proper evidence of receipt of payment of each tax bill.

(3) Tax bills prepared in accordance with the certification of the Kentucky Tax Commission shall be delivered to the sheriff or collector by the county clerk before September 15 of each year. The clerk shall take a receipt showing the number of tax

bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) Upon delivery to him of the tax bills, the sheriff or collector shall mail a notice to each taxpayer, showing the total amount of taxes due the state, county, school fund and other levies, the date on which the taxes are due, and any discount to which the taxpayer may be entitled upon payment of the taxes prior to a designated date.

Mr. Lowman moved that the House recess for thirty minutes.

Said motion was agreed to.

Thirty minutes having expired, the Speaker resumes the chair.

Mr. Lowman moved that the rules of the House be suspended for the purpose of receiving Committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Edmonds, Chairman of the Committee on Forestry, State and National Parks, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 25. AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia, providing for the creation, development and operation of an interstate park to be known as The Breaks Interstate Park.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 22. AN ACT relating to the taxing powers of cities of all classes and amending section 92.281 of the Kentucky Revised Statutes, and declaring an emergency.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Dowell, Chairman of the Committee on Cities of the Fifth Class, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 9. AN ACT changing the classification of the City of Junction City, in Boyle County.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Moorman, Chairman of the Committee on Agriculture, to which the same had been referred, reported favorably a resolution of the following title, viz:

H. Res. No. 12. A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider burley tobacco acreage reduction in the Commonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Bridgers.

H. B. No. 64. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to exemption of property from taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit; institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, but no real property owned by such institution which is leased for income and not used solely as a site for or to house any charitable or educational activity of such organization shall be entitled to a tax exemption; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

By Mr. Saylor.

H. B. No. 65. AN ACT proposing to amend Section 145 of the Constitution of Kentucky relating to suffrage.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 145 of the Constitution of the Commonwealth of Kentucky be amended to read as follows:

"Every citizen of the United States of the age of eighteen years who has resided in the Commonwealth one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by executive pardon.

Second: Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Mr. Lowman moved that the House adjourn until 10:00 A. M., Friday, January 22, 1954.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 22, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles Craig
W. Marvin Davis
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams

Mrs. Randolph Wilson	Charles W. Wirsch	Paul E. Young
T. D. Winstead	Walker H. Wiseman	Charles W. Burnley,
	Dr. Clyde D. Wooton	Speaker

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Mr. Edmonds moved that the reading of the Journal of the proceedings of Thursday, January 21, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Clay.

H. Res. No. 18. A JOINT RESOLUTION providing for a research study of the adequacy of the legislative process in the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, there is need for a research study of the legislative process in the Commonwealth of Kentucky, and

WHEREAS, it appears that such a study will reveal imperfections in our present legislative process, and

WHEREAS, it appears that such a study will provide factual information leading to future changes in the legislative process which will make that process more democratic, and

WHEREAS, the Legislative Research Commission has the personnel and facilities to make such a research study, and to make a comprehensive report based thereon;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be, and it is hereby authorized and directed to make a comprehensive research study of the legislative process in the Commonwealth of Kentucky;

That in the study of this subject, particular attention be given to the improvement of the legislative process to make it more democratic, either through a change in the length and frequency of sessions of the General Assembly or through improved legislative procedure, or both;

That the study contemplated by this Resolution be completed by the Legislative Research Commission not later than six months prior to the next regular session of the General Assembly, and that a public report of the findings of the Legislative Research Commission based on this study be published.

By Mr. Ockerman, Mr. Lovelace, Mr. Dressman, Mr. Maglinger, Mr. Harris, Mr. Mobley, Mr. Cosby, Mr. Montgomery, Mr. Williams, Mr. Fern, Mr. Weintraub, Mr. Sanders, Mr. Hadden, Mr. McCallum, Mr. Wm. B. Wells, Mr. Everett and Mr. Clay.

H. B. No. 66. AN ACT relating to the power and authority of cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city is hereby authorized and empowered to exercise all rights, powers, franchises and privileges such city deems necessary for the welfare of its people and for the proper administration of all local government within the territorial limits of the city, to the same extent and with the same force and effect as if the General Assembly had by this Act granted and delegated to said city all the authority that is within its power to so grant.

Section 2. This Act is intended to enable any city to enact, amend and repeal local laws deemed necessary to fully and completely exercise the powers granted herein. This Act is not intended to curtail or abolish any power or right heretofore conferred upon or delegated to a city or board or officer thereof, unless a contrary intention is clearly manifest from express provisions of this Act; nor is it the intention of this Act to restrict the power of the General Assembly to pass laws

regulating matters of state concern as distinguished from matters of local concerns to a city.

Section 3. The powers herein granted to cities shall be in addition to all other powers granted thereto by other provisions of law. The permissive procedure authorized by this Act shall not be deemed to prohibit the utilization of any other procedure authorized by any Act of the General Assemby or by local law but shall be an alternate thereto.

By Mr. Reynolds.

H. B. No. 67. AN ACT relating to the terms of court in the Twenty-third Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (23) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(23) Twenty-third District. Estill County, at Irvine, on the first Monday in January, fourth Monday in April and the third Monday in Setpember, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in January, third Monday in May and the second Monday in October, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in February, second Monday in June and the second Monday in November, twelve juridical days each.

Section 2. This Act shall become effective on July 1, 1954.

By Mr. Routh.

H. B. No. 68. AN ACT relating to the election of county school superintendents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The office of county school superintendent shall be filled by election to be held at the regular election for county offices, and shall be by the qualified voters of the county who reside in the county school district. A person so elected shall serve for a term of four years and may be elected for succeeding terms.

Section 2. No person shall be eligible for the office of county school superintendent who does not, at the time of his election, hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law, and which qualifies him to hold the position to which he may be elected, and he shall hold such certificate throughout his term of office. He shall not be eligible to such office unless, at the time of his election, he is twenty-four years of age or over, and has been a resident of this state at least one year.

Section 3. The names of candidates for county school superintendent shall be on a separate ballot from all other ballots used in the election. No party emblem or symbol shall be placed on such ballot.

Section 4. The county clerk shall cause to be printed on the ballot the names of all eligible candidates, for the office of county school superintendent, in whose behalf he is petitioned to do so in writing by not less than one hundred voters qualified to vote for the superintendent. The petition must be filed in the office of the county clerk not more than sixty days nor less than forty-five days before the day of election. Each petition must be signed by the requisite number of qualified voters, and shall show the place of residence of each signer. No person shall sign more than one petition.

Section 5. The names of the candidates shall be rotated on the ballots according to the principle set forth in KRS 160.230 for candidates for the county board of education.

Section 6. The provisions of the general election laws shall,

so far as applicable, apply to the conduct of elections for county school superintendent. The provisions of the primary election laws shall not apply.

Section 7. The county board of education shall fix the salary of the county school superintendent, prior to the time of his taking office, at not less than four thousand dollars per annum, to be paid in monthly installments.

Section 8. Section 160.350 of the Kentucky Revised Statutes shall, after the effective date of this Act, apply only to superintendents of independent school districts, but the other provisions of the school laws, relating to the respective powers and duties of the boards of education and school superintendents, shall continue to apply to county school districts and superintendents.

Section 9. County school superintendents elected under the provisions of this Act shall enter upon the discharge of the duties of their offices on the first Monday in January after their election.

By Mr. Lambert.

H. B. No. 69. AN ACT relating to county police forces and amending Section 70.560 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 70.560 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal courts of the respective counties shall fix the compensation of the chief and all other appointees and employes appointed by the county judge in accordance with the provisions of KRS 70.540, provided, however, that no patrolman shall be paid more than $2,400 per annum, no captain shall be paid more than $2,700 per annum, no assistant chief shall be paid more than $3,000 per annum, and no chief shall be paid more than $3,600 per annum, which compensation shall be payable in equal monthly installments out of the county levy, and further provided, that no fees or other compensation, except the same fees for arrests as are allowed sheriffs under the provisions of

KRS 64.060 and 64.090, shall be paid or allowed to any of the officers or members of said county police force. Provided, however, that the above salaries shall only apply to counties having a population of 70,000 or more inhabitants; that in counties having less than 70,000 inhabitants and more than 25,000 inhabitants the salary of no person appointed under KRS 70.540 shall exceed $1,800 per annum, and in all other counties no person appointed under KRS 70.540 shall receive a salary in excess of $2,500 per annum. The fiscal court shall, by order, fix the amount of the salary of all appointees within the limitations herein provided and may within their discretion provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 25. AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development and operation of an interstate park to be known as The Breaks Interstate Park.

H. B. No. 22. AN ACT relating to the taxing powers of cities of all classes and amending section 92.281 of the Kentucky Revised Statutes, and declaring an emergency.

H. B. No. 9. AN ACT changing the classification of the City of Junction City, in Boyle County.

H. Res. No. 12. A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider burley tobacco acreage reduction in the Commonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

The Constitutional provision as to the second reading at

length of said bills and resolutions having been dispensed with, said bills and resolutions were read for the second time by the titles only and

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Lowman moved that the House recess until 11:15 A. M.

The time of recess having expired, and it being 11:15 A. M., the Speaker resumed the chair.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

Res. 13—Ways and Means

Res. 14—Claims

Res. 15—Ky. Statute No. 1

Res. 16—Ways and Means

Res. 17—Ways and Means

HB 41—Ways and Means

HB 42—Ways and Means

HB 43—Ky. Statute No. 1

HB 44—Ky. Statute No. 1

HB 45—4th Class Cities

HB 46—4th Class Cities

HB 47—Ky. Statute No. 2

HB 48—Ky. Statute No. 1

HB 49—2nd Class Cities

HB 50—Courts and Legal Procedure

HB 51—Labor

HB 52—Fish and Game

HB 53—Railroads

HB 54—Ways and Means

HB 55—Ky. Statute No. 1

HB 56—Ky. Statute No. 1

HB 57—Revenue and Taxation

HB 58—Ky. Statute No. 1

HB 59—Courts and Legal Procedure

HB 60—Ky. Statute No. 1

HB 61—2nd Class Cities

HB 62—2nd Class Cities

HB 63—Revenue and Taxation

HB 64—Constitutional Amendments

HB 65—Constitutional Amendments

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 17. AN ACT relating to alcoholic beverage excise taxes.

Ordered that the said bill be delivered to the Enrolling Clerk.

H. B. No. 19. AN ACT relating to excise tobacco taxes.

Ordered that said bill be delivered to the Enrolling Clerk.

H. B. No. 21. AN ACT relating to income taxes.

Ordered that the said bill be delivered to the Enrolling Clerk.

H. B. No. 18. AN ACT relating to pari-mutuel and other similar systems of betting, including taxation thereof.

With Senate amendment, by way of substitute, attached thereto.

The House took up for consideration Senate Amendment by way of substitute to H. B. No. 18, which amendment is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

"An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to four per cent of the first eighteen million dollars wagered during the year, and six per cent of all money in excess of eighteen million dollars wagered during the year. A year as used herein shall begin at 12:01 A. M. July 1 and end at 12 midnight June 30."

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

"The commission, including the tax levied in Section 1, deducted from the gross amount wagered by the person, corporation or association which operates a running horse race track at which betting is conducted through a pari-mutuel or other similar system shall not exceed fourteen per cent of the gross amount handled, and the breaks, which breaks shall be made and calculated to the dime."

Section 3. Section 138.520 of the Kentucky Revised Statutes is repealed.

Section 4. This Act shall become effective on July 1, 1954.

Mr. Lowman moved that the House do now concur in said amendment by way of substitute to H. B. No. 18.

Said motion was agreed to.

Said amendment by way of substitute concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with, and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey
Foster Ockerman

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed by reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk.

COMMITTEE REPORTS

Mr. Lowman moved that the rules of the House be suspended for the purpose of receiving committee reports.

Said motion was agreed to.

Thereupon, Mr. Banton, Chairman of the Committee on Fourth Class Cities, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 35. AN ACT relating to members of city council and city officers in cities of the fourth class, and amending subsection (1) of Section 86.050 of the Kentucky Revised Statutes and Section 86.230 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Lowman moved that the House adjourn until 8:00 P. M. Monday, January 25, 1954.

Said motion agreed to.

The House was then adjourned.

MONDAY, JANUARY 25, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend W. E. Milby, Pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 18. AN ACT relating to pari-mutuel and other similar systems of betting, including taxation thereof.

H. B. No. 19. AN ACT relating to excise tobacco taxes.

H. B. No. 17. AN ACT relating to alcoholic beverage excise taxes.

H. B. No. 21. AN ACT relating to income taxes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

Mr. Lowman moved that the reading of the Journal of the proceedings of Friday, January 22, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. C. W. Taylor moved that when the House does adjourn, it adjourn out of respect to Honorable Frank C. Boyd, former member of this House from Hancock and Breckinridge Counties. (1938 session).

Said motion was agreed to.

Mr. Horn moved that members of Cub Scout Den No. 5 of Frankfort, Kentucky, viz: Billy Rush, Tommy Crumbaugh, Bob Rush, Bob Welch, Rex Cecil, Ronald Herzel, be made honorary pages.

Said motion was agreed to.

Mr. Sanders moved that Lynn Smith, of Lancaster, Kentucky, be made an honorary page.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. B. No. 70. AN ACT relating to the Department of Military Affairs and the Active Militia of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 36.010 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Military Affairs shall have charge of and be responsible to the the Governor for the proper functioning of the militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Veteran's Division

(2) Armories Division

(3) Active Militia Division

(4) National Guard Division

(5) Civil Defense Division

Section 2. Section 36.020 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, immediately on his induction into office, shall appoint an Adjutant General, who shall be not less than thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. The Adjutant General shall execute bond in the sum of ten thousand dollars.

Section 3. Section 36.040 of the Kentucky Revised Statutes shall be amended to read as follows:

The Adjutant General shall:

(1) Represent the Governor in all military matters pertaining to the Commonwealth of Kentucky;

(2) Be the executive head of the Department of Military Affairs and exercise all functions vested by law in the department;

(3) Be responsible to the Governor for the proper carrying into effect of all laws, rules and regulations of the United States and of this state affecting the militia and other military organizations established by law;

(4) Perform the duties prescribed for him by laws of the United States and regulations issued thereunder;

(5) Direct and supervise the chiefs of staff departments and supervise all troops and all departments, arms and branches of the Kentucky National Guard;

(6) Superintend the preparation of all returns and reports required by the United States from the state;

(7) Keep a register of all the officers of the Kentucky National Guard, and make a written report to the Governor for the annual period ending on June 30 of each year of the operations and conditions of the Adjutant General's office, the State Arsenal and the National Guard;

(8) Establish and supervise the operations of the Division of Civil Defense;

(9) Cause to be prepared and issued all necessary blank books, forms and notices required to carry into full effect the provisions of KRS Chapters 36, 37 and 38;

(10) Attend to the safekeeping and repairing of the ordnance, arms, accouterments, equipment and all other military property belonging to the state or issued to it by the United States;

(11) Notify the Division of Purchases and Public Properties of all military property of the state which after inspection is found unsuitable for use of the state;

(12) Keep an account of:

(a) All expenses, including pay of officers and enlisted men, allowances to officers and organizations;

(b) Any other moneys required to be disbursed by him and through his office, including subsistence and transportation of the National Guard;

(c) All military property of the United States;

(13) Issue and make requisitions for military property under the direction of the Governor, but no military property shall be issued to persons or organizations other than those belonging to the National Guard, except to such portion of the Kentucky Active Militia as is called out by the Governor;

(14) Establish and maintain as a part of his office a bureau of war records in which all records pertaining to wars and relics shall be kept, and be custodian of all such records, relics, colors, standards and battle flags now the property of the state, or in its possession, or which the state may hereafter acquire;

(15) Organize units of the National Guard at places designated by the Governor and have the members thereof mustered into service under regulations prescribed by the Governor;

(16) Issue all orders and directives for the proper functioning and utilization of the Kentucky National Guard.

Section 4. Section 36.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Armories Division shall provide adequate armories, buildings and grounds for the Kentucky National Guard for its purposes of drill, instruction and administration and for the safekeeping of public property of the state and the United States issued to or for the use of the Kentucky National Guard.

(2) The Armories Division may, either alone or in cooperation with counties, cities, private corporations, voluntary unincorporated associations or individuals, construct, or acquire by purchase, contract, lease, gift, donation, or by condemnation in the manner prescribed in KRS 416.120, armories, buildings or grounds suitable for drill, instruction and administration and the safekeeping of public property, and make additions and improve-

ments in or to such armories and facilities. The division may, either alone or with the like cooperation of others, provide heat, light, water, telephone service and other costs of operation and maintenance, including insurance.

(3) The amounts to be spent for the construction, acquisition, maintenance and rental of armories shall be wholly within the discretion of the Adjutant General.

Section 5. Section 36.100 of the Kentucky Revised Statutes is repealed.

Section 6. Section 36.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor may appoint an Assistant Adjutant General who, at the time of his appointment, must be at least thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. The Governor shall order the Assistant Adjutant General placed upon active duty, and if the Assistant Adjutant General does not already hold the commission of colonel of the Kentucky National Guard he shall be given temporary rank as colonel of the Kentucky National Guard and shall be so commissioned by the Governor. If the commission is only temporary, it shall automatically be vacated when the Adjutant General is relieved from duty or at the expiration of the term of the Governor.

(2) The office of Assistant Adjutant General shall not be incompatible with or serve to vacate the commission held by the officer appointed Assistant Adjutant General at the time of his appointment, nor shall it be incompatible with any office to which he may be promoted, nor interfere with or prevent his attending to the duties of the office held at the time or to which he may be thereafter promoted.

Section 7. Section 36.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Officers and enlisted men employed in the Adjutant General's office shall not be entitled to additional pay from the state for active state service, as defined in KRS 38.010(4), but shall be entitled, when serving under orders beyond the limits of the city of Frankfort, to actual expenses or seven dollars per

diem for travel in the state and nine dollars per diem for travel without the state plus seven cents per mile for transportation when so provided in the order under which such duty is performed.

(2) Nothing in this section shall be construed to prevent such employes from receiving fifteen days annual military leave with pay.

Section 8. Section 36.180 of the Kentucky Revised Statutes is repealed.

Section 9. Section 37.270 of the Kentucky Revised Statutes is amended to read as follows:

Officers and enlisted men, when employed in active state service as defined in KRS 38.010(4), beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the rates provided for in KRS 38.200 and in addition thereto actual and necessary cost of transportation, when transportation is not furnished in kind.

Section 10. Section 37.280 of the Kentucky Revised Statutes is amended to read as follows:

If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received when on duty or assembled therefor under competent authority or lawful order, which said injury shall directly result from such service, he shall be entitled to receive pay as set forth in KRS 38.200 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity from the date of receiving such injury. Where a claim is made under this section, the Adjutant General shall cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be

barred from all right to any claim, pay or allowance under this section.

By Mr. Pollitte.

H. B. No. 71. AN ACT relating to the hearing of criminal and penal cases, and amending Section 23.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.160 of the Kentucky Revised Statutes is amended to read as follows:

In counties having but three terms of court each year, criminal and penal cases shall be heard at each of the terms, unless the court, by order of record, shall provide otherwise. In counties having more than three terms of court each year, criminal and penal cases may be heard at such of the terms of court required by the provisions of this chapter to be held each year in each county, as the court shall determine necessary and proper and shall designate by order of record.

By Mr. Lowman.

H. B. No. 72. AN ACT relating to the establishment of a Kentucky Council on Regional Education, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a Kentucky Council on Regional Education to consist of not more than nine members representing institutions of higher education, legislators, and other persons who are interested in the problems of higher education on the state or regional level. The members of the council shall be appointed by the Governor, who shall designate one member as chairman.

Section 2. The members of the council shall serve without

pay but shall be reimbursed for their necessary traveling expenses and other necessary expenses while attending the meetings of the council.

Section 3. The council shall meet at such times as it may determine by resolution or upon call of the chairman, and the council may designate the place of meeting.

Section 4. A majority of the council constitutes a quorum for the transaction of business, and no business shall be transacted and no propositions carried unless a majority of the council so votes.

Section 5. The Kentucky Council on Regional Education shall:

(1) Be vested with the responsibility and authority to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits and privileges devolving upon the Commonwealth and its citizens pursuant to the regional compact approved by Senate Resolution No. 53 of the 1950 General Assembly, and to do all acts necessary or desirable to implement the provisions of this compact;

(2) Make available to the General Assembly and to the Governor information as to the opportunities and needs for providing within the Commonwealth a high quality and low cost college education to all persons eligible for and desirous of securing such education, and information relating to higher educational programs and resources available elsewhere in the region;

(3) Furnish liaison between the Commonwealth and the Southern Regional Education Board to inform the board of the higher educational needs, resources and programs which are in operation within the Commonwealth;

(4) Release pertinent information relative to the role of the Commonwealth in regional programs of higher education, opportunities which are available to eligible students on a regional basis, and studies being conducted to direct future regional action;

(5) Designate the secretary of the Kentucky Council on

Public Higher Education as ex officio member of and secretary to the Kentucky Council on Regional Education;

(6) Be vested with all power and authority now delegated, under Senate Resolution 62 of the 1950 General Assembly, to the Board of Trustees of the University of Kentucky.

Section 6. There is hereby appropriated out of the General Expenditure Fund to the Kentucky Council on Regional Education the sum of three thousand two hundred fifty dollars which sum shall be available during the balance of the 1953-1954 fiscal year and without lapse during the 1954-1955 and 1955-1956 fiscal years, to pay the expenses involved in the work of the council. Disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisition by the secretary of the council.

Section 7. WHEREAS, it is deemed of extreme importance to the Commonwealth that its citizens so desiring be provided with the best higher education at the lowest possible cost, and whereas it is desirable that everything possible be done to implement the provisions of the regional compact to which the Commonwealth is a party, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Lowman.

H. B. No. 73. AN ACT relating to tax on use of gasoline.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

Whereas, it has come to the attention of the members of the General Assembly that many motor carriers, both intrastate and interstate, are purchasing gasoline without Kentucky and using such gasoline on the highways of Kentucky without payment of the gasoline tax levied under KRS 138.220 on such gasoline used on Kentucky highways, it is hereby declared to be the legislative policy of this Act to secure the payment of seven cents per gallon on all gasoline used

by motor carriers on highways in this state whenever such gasoline is not taxed pursuant to KRS 138.220.

Section 2. As used in sections 1 to 18 inclusive of this act unless the context requires otherwise:

1. "Department" means Department of Revenue.

2. "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010 (3).

3. "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

4. "Public Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of maintenance repair or reconstruction.

5. "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer, or semi-trailer, of a gross weight of not less than 18,000 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodites not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a taxicab or city bus except city buses operated across the border of the State of Kentucky.

6. "Taxicab" means any motor vehicle designed or constructed to accomodate or transport passengers, not more than six in number exclusive of the driver, the principal operation of

which is confined to the corporate limits and suburban areas of the cities of this state, and not operating over any definite route, and the destination of which is designated by the passenger or passengers at the time of said transportation.

7. "City Bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

8. "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

9. "Gasoline" means gasoline as defined in KRS 138.210 (4).

10. "Period" means a calendar month.

Section 3. 1. For each period every motor carrier shall pay a tax equivalent to 7 cents per gallon on the amount of gasoline used in its operations on the public highways of this state.

2. The tax levied under subsection (1) of this section shall be computed and paid as provided in section 9 of this Act.

3. Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for construction, reconstruction, and maintenance of the rural and secondary highways of this state and for no other purpose.

Section 4. 1. A license shall be required of each motor carrier before it uses or continues to use gasoline on the public highways of this state.

2. Application for a license shall be made to the Department of Revenue on forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

3. Concurrently with the filing of an application for a license, the motor carrier shall file with the department a bond as required under section 5 of this Act. No license shall be issued to any motor carrier or continued in force unless such person has furnished a bond as provided in section 5 of this

Act to secure payment of any and all gasoline use taxes, penalties and interest due.

4. The application for license in the proper form having been accepted for filing and bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the motor carrier a license; however, if an application for a license is filed by any motor carrier whose license has at any time previously been revoked by the department, or if the department is of the opinion that the person who makes the application is not the real party in interest, the license of which party has at any time prior to the filing of the application been revoked for cause or that the application is not for any reason filed in good faith, the department may after a hearing of which the applicant shall be given 10 days' notice in writing and at which he shall have the right to appear in person or by counsel, refuse to issue a license to that person.

5. All license to use gasoline on the public highways of this state shall be valid and remain in full force and effect unless suspended or revoked for cause or otherwise canceled.

6. A license to use gasoline on the public highways of this state shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

7. Each holder of such license shall display such license number or other identification in the manner prescribed by the Department of Revenue.

8. The department shall keep and file all applications and bonds in an alphabetical index thereof.

Section 5. 1. Every motor carrier shall file with the Department of Revenue a bond in the minimum amount of $500 and in the maximum amount of not more than $10,000 on a form and in such amount and with surety as approved by the department. In the event that a bond is offered for approval which has been issued by a surety company, such company must be authorized to transact business within the State of Kentucky. The motor carrier shall be the principal

obliger and the state shall be the obligee. The bond shall be conditioned upon the prompt filing of due returns and the payment by the motor carrier of all gasoline use taxes now or hereafter levied by this state, together with penalties and interest.

2. If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the motor carrier to file a new bond in the same form and amount with surety satisfactory to the department, failing which the department shall forthwith cancel the license of the motor carrier. If a new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

3. If, upon a hearing of which the motor carrier shall be given ten days' notice in writing, the department decides that the amount of the existing bond is not sufficient to insure payment to this state of the amount of the tax, penalties and interest for which the motor carrier is or may become liable, the motor carrier shall forthwith, upon written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the motor carrier.

4. Any surety on a bond furnished by a motor carrier shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the time upon which the surety has lodged with the department, a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue prior to the expiration of the sixty-day period. The department shall promptly upon receipt of the request, notify the motor carrier who furnished the bond, and unless the motor carrier shall before the expiration of the sixty-day period file with the department a new bond with surety

satisfactory to the department in the amount and form herein before provided, the department shall forthwith cancel the license of the motor carrier. If the new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

Section 6.

1. If a motor carrier at any time files a false monthly return or fails or refuses to file a monthly return or to pay the full amount of the tax or violates any other provisions of this act without a showing that such failure was due to reasonable cause and not willful neglect, the Department of Revenue may cancel the license of the motor carrier and suspend its privilege of using gasoline on the public highways of this state.

2. Upon voluntary surrender of the license or upon receipt of a written request by a motor carrier, the department shall cancel its license effective sixty days from the date of the request, but no such license shall be canceled upon surrender or request unless the motor carrier has prior to the date of cancellation paid to the state all taxes, penalties, interest, and fines that are due or have accrued, and unless the motor carrier has surrendered to the department its license.

3. If upon investigation the department ascertains that any motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six months, the department may cancel such license by giving the motor carrier sixty days' notice of cancellation mailed to his last known address in which event the license shall be surrendered to the department.

4. Whenever a motor carrier ceases to engage in business as such within this state, it shall notify the department in writing within fifteen days after the discontinuance. All taxes that have accrued as a result of the motor carrier's operations, whether or not then due, shall become due and payable concurrently with such discontinuance. The motor carrier shall make a return and pay all such taxes and any interest and

penalties thereon, and shall surrender to the department its license.

5. If the license of a motor carrier is canceled by the department as provided in this section and if the motor carrier has paid to this state all of the taxes, interest, and penalties due under this Act, the department shall cause the bond filed by the motor carrier to be canceled.

Section 7. 1. Every motor carrier shall maintain complete records on all purchases, uses, and other dispositions of gasoline. Such records, together with manifest of lading, invoices and other papers pertaining to gasoline consumption, shall be retained for a minimum period of two years; and if requested by the department shall be made available for examination by the Department of Revenue.

Section 8.

1. Every motor carrier shall file with the Department of Revenue on forms prescribed by the department a monthly tax return. The return shall be made under penalty of perjury and shall show with reference to all locations at which gasoline is used the following information: the number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline used and the number of gallons used in this state, the number of gallons purchased in this state and the total number of gallons purchased and used, the vendor from whom purchased, the number of gallons on which credit is claimed, or such other information as the department may require. The motor carrier shall file the return on or before the last day of the next succeeding calendar month following the period to which it relates.

2. The monthly tax returns shall be accompanied by a remittance in full of the tax due.

Section 9. The tax imposed by subsection (1) of section 3 of this Act, except as otherwise provided herein, shall be determined as follows:

1. The total number of gallons of gasoline used during the taxable period in the motor carrier's operations on the public highways shall be multiplied by the proportion that its miles

operated in Kentucky during such period bears to its total miles operated both within and without Kentucky during such period. The resulting figure shall be deemed the number of gallons of gasoline used during such period in its Kentucky operations;

2. The number of gallons used within Kentucky, determined as provided in section (1) of this section, shall be multiplied by seven cents;

3. Tax shall be paid on the amount determined under subsection (2) of this section, after allowance of the credits set forth in section 10 of this Act.

Section 10.

1. Every motor carrier subject to the tax imposed by subsection (1) and section 3 of this Act shall be entitled to a credit for each period equivalent to seven cents per gallon on gasoline purchased by such carrier during such period for use in its operations on public highways within and without this state, provided such gasoline was purchased in Kentucky during the same period and the tax imposed by KRS 138.220 has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such motor carrier claiming the credit herein allowed.

2. The department shall at the close of each quarterly period, ending September 30, December 31, March 31, and June 30, compute all credits granted by the department during such quarter, which credits shall be applied only to taxes due on any report filed within the succeeding quarter.

3. No tax shall be credited unless the applicant holds a currently valid credit permit and makes application as provided under section 12, subsection 1. The right to receive any credit under this section shall not be assignable except to the executor or administrator or to the trustee in bankruptcy or assignee in insolvency proceedings of such person entitled thereto.

Section 11.

1. A motor carrier who purchases gasoline in this state shall secure from the Department of Revenue a credit permit, which permit shall entitle such motor carrier to apply for credit under provisions of this Act.

2. Every motor carrier credit permit shall be valid until surrendered or canceled. The department may cancel any credit permit by giving 30 days' notice when the holder thereof does not apply for a credit during any six months interval unless the permit holder can show cause to the department why the permit should not be canceled, or after a notice of ten days may cancel for any other sufficient cause within the opinion of the department.

3. To secure a credit permit a motor carrier shall file with the department an application on forms furnished by the department setting forth such information incident to crediting the tax as the department may require.

Section 12.

1. In order for the holder of a gasoline credit permit to be entitled to the credit set forth in section 10 of this Act, he shall, on or before the last day of each month, make application to the department on forms and in the manner prescribed by the department for a credit for tax paid pursuant to KRS 138.220 on gasoline purchased in this state during the tax period. Such application for credit may be incorporated in the return. The department may require an applicant for a credit to supply with each application copies of receipts of all taxpaid purchases of gasoline purchased within this state on such forms as the department may require. Each application shall show the total number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline purchased in this state and other states for use on public highways during the preceding month, the date and quantity of each purchase, the vendor from whom purchased, the number of gallons on which a credit is claimed,

and such other information as the department may require. The application shall be made under oath.

2. Upon the refusal of the department to authorize a gasoline tax credit the applicant may, in the manner and subject to the conditions provided in subsection (1) of KRS 131.110, petition for a review thereof by the Kentucky Tax Commission and if the applicant be not satisfied with the decision of the Commission he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 13. 1. The Department of Revenue may at any time audit the books and records of each holder of a gasoline tax credit permit who has, at any time since the last audit was made, applied for a credit thereunder, and make such other investigations as its deems necessary to determine whether the credits applied for constitute proper claims.

2. Whenever, in the opinion of the department, the amount of credit for which application has been made by a nonresident credit permit holder is not sufficient to reasonably justify the probable expenses of making an audit, the department may require the nonresident credit permit holder to furnish such records as it deems necessary in order to determine whether or not the credits applied for constitute proper claims.

3. If gasoline taxes are erroneously credited, the department shall advise the payee by registered mail of the error. If the payee fails to reimburse the Commonwealth within fifteen days after receipt of the letter, action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount so erroneously credited plus a penalty of 20 per cent.

Section 14. 1. The returns required by Section 8 of this Act shall be accompanied by a certified or cashier's check payable to the State Treasurer for the amount of tax due for the preceding calendar month computed as provided in Section 9 of this Act, except that the department may waive this requirement and accept the check of a motor carrier if the said motor

carrier is of sound financial condition and has established a good record of compliance with the requirements of this Act.

Section 15. If any motor carrier gasoline user neglects or refuses to make the return or pay the tax at the time provided in Section 8 of this Act, a penalty of 20 per cent of the tax and interest of 6 percent per annum from the due date of the tax on both the tax and the penalty shall be paid.

2. If any motor carrier subject to the penalty provided in subsection 1 of this section submits to the department in writing the reasons for failure to comply with this Act and if the department finds the reason sufficient evidence to justify modifying the penalty provided in subsection 1 of this section, it may modify the penalty enacted therein to 5 per cent of the amount of tax due and delinquent, provided the 5 per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the preceding twelve months.

3. If the penalty provided by this section is collected by proceedings in court, an additional penalty of 20 per cent shall be collected and distributed as authorized by KRS 134.400. Whenever any motor carrier neglects or refuses to make and file any return for any calendar month as required by Section 8 of this Act, or files an incorrect or fradulent return, the department shall determine after an investigation the number of gallons of gasoline with respect to which the motor carrier has incurred liability under Sections 3 and 9 of this Act for any particular month and assess and collect the amount of tax and penalties due.

4. Any motor carrier who fails to make any return required under the provisions of this Act within the time allowed may be required to pay a penalty of $10 to be assessed and collected in the manner provided for the assessment and collection of taxes, or may be proceeded against in a civil action instigated by the department. In addition, such delinquent motor carrier may be compelled to make the required return.

5. In any action for the collection of gasoline use taxes

and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the motor carrier to show that the assessment was incorrect or contrary to law.

Section 16. 1 It is unlawful for any person to:

(a) Fail to pay the tax imposed by this Act.

(b) Fail, neglect, or refuse to file any return required under this Act in the manner or within the time required.

(c) Make any false statement or conceal any material fact in any record, return, or affidavit provided for under this Act.

(d) Conduct any activities requiring a license or permit under the provisions of this Act without such license or permit or after such license or permit has been surrendered, canceled, or revoked.

(e) Assign or attempt to assign a license or permit issued under this Act.

(f) Violate any other provisions of this Act.

2. Any person violating any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for not less than 30 days nor more than six months or by both such fine and imprisonment.

3. The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provisions of this Act.

Section 17. 1. The Department of Revenue shall administer the provisions of this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

2. The Department of Revenue shall upon the request of the officials to whom are entrusted the enforcement of the gasoline tax law of any other state, the United States, or the provinces of the Dominion of Canada, forward to such officials any information which it shall have relative to the receipt, sale, use, transportation, shipment, or delivery by any person of gasoline provided such state or states makes provision in its law for the furnishing of like information to this state.

Section 18. This Act shall be fully operative and shall apply to motor carriers using gasoline on or after July 1, 1954.

By Mr. Lowman.

H. B. No. 74. AN ACT relating to the National Guard of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 38.010 of the Kentucky Revised Statutes is amended to read as follows:

Definitions as used in this chapter, unless the context requires otherwise, are as follows:

(1) "Kentucky National Guard" includes the Army National Guard and Air National Guard;

(2) "Active Army National Guard and Active Air National Guard" includes those organizations, officers and enlisted men of the Federally recognized Kentucky National Guard authorized to receive Federal pay, arms and equipment;

(3) "Inactive Army National Guard" and "Inactive Air National Guard" includes those organizations, officers and enlisted men of the Kentucky National Guard not entitled to receive Federal pay, arms and equipment;

(4) "Active State Service" is:

(a) The ordering by the Governor of any unit or units of

the Kentucky National Guard to enforce the laws of the Commonwealth; resist an actual or threatened invasion or insurrection; quell a riot or other domestic disturbance; or preserve and protect the rights, lives, or property of citizens of the Commonwealth;

(b) Officers, warrant officers and enlisted men employed under orders of the Governor in making tours of inspection, mustering in or mustering out troops, making surveys of military property, sitting on courts-martial, summary courts, efficiency boards, courts of inquiry or boards of officers;

(c) The participation of any unit or units of the Kentucky National Guard in gunnery competition anywhere within or without the United States.

Section 2. Section 38.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky National Guard shall consist of the officers, warrant officers, enlisted men and units as prescribed in tables of organization of the Department of the Army for the Army National Guard, and the officers, warrant officers, enlisted men and units as prescribed in the tables of organization of the Department of the Air Force, Air National Guard and the Inactive Army and Inactive Air National Guard.

(2) The Governor may accept or reject any or all organizations allotted to Kentucky by the U. S. Department of Defense. He may recommend to the U. S. Department of Defense the type of organizations both Army and Air Force, which he considers to be best suited to the performance of Kentucky's internal defense and security missions.

Section 3. Section 38.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Governor may direct the commanding officer of the troops ordered into active state service to report to any circuit judge, county judge or mayor. The judge or mayor may direct the specific object to be accomplished, but the tactical direction

and disposition of the troops and methods used shall be left solely to the discretion of the troop commander.

Section 4. Section 38.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) All commissioned officers and warrant officers of the Kentucky National Guard shall be appointed by the Governor, upon the recommendation of the commanding officers of the organizations to which such officers are to be assigned for duty, and shall be appointed according to grade in the branch or corps of the service in which they are appointed. No officer or warrant officer shall be appointed until he shall have successfully passed such tests as to his physical, moral and professional fitness as are or shall be prescribed by Federal law for Federal recognition as an officer.

(2) All appointments as staff officers shall be of individuals with previous military experience. Appointment shall be held until the appointee reaches sixty years of age or is relieved by the Governor.

(3) The Governor may issue such regulations governing the appointment of commissioned officers and warrant officers in the Kentucky National Guard as may be necessary in order to conform to the requirements made by Congress for participation in Federal appropriations for the Kentucky National Guard.

(4) No officer or warrant officer shall retain the grade to which he may have been promoted unless, within a reasonable length of time, he obtains Federal recognition for such grade.

Section 5. Section 38.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) All able-bodied citizens of Kentucky, of good character, who can read and write the English language, who are between the ages of seventeen and thirty-five years with no prior service; between thirty-six and under thirty-eight with one year of service; thirty-eight and under forty-one with two years of serv-

ice and forty-one and under fifty-seven with two years plus the number of years applicant is over age forty, and who have passed the required physical examination and who are not ineligible for enlistment or re-enlistment in the Armed Forces of the United States, subject to current United States Armed Forces regulations covering enlistments and re-enlistments, may be enlisted or re-enlisted in the Kentucky National Guard for a term of not less than one or more than three years.

(2) No person dishonorably discharged or discharged without honor from the Armed Forces of the United States shall be eligible for enlistment in the Kentucky National Guard.

(3) Every person who enlists or re-enlists shall sign and make oath to an enlistment paper before an officer authorized to accept enlistments.

(4) Enlisted persons may be transferred to or from organizations, as provided by regulations approved by the Governor.

(5) By order of the Governor in case of emergency, enlistments in the Kentucky National Guard may be extended for one year.

Section 6. Section 38.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Inactive National Guard shall consist of the officers and men of the Kentucky National Guard not on the active list. In time of peace, officers and enlisted men of the Kentucky National Guard may be transferred at their own request to the Inactive National Guard. Upon the authorized disbandment or consolidation of organizations of the National Guard, all commissioned officers and enlisted men rendered surplus who are qualified for active service and have not been transferred to active units may be transferred to the Inactive National Guard. Officers and enlisted men of the Inactive National Guard may become members of the Active National Guard in time of peace where circumstances permit.

Section 7. Section 38.110 of the Kentucky Revised Statutes is amended to read as follows:

An officer of the Kentucky National Guard shall hold his commission so long as he is entitled to receive Federal pay and allowances unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court-martial or efficiency board legally convened for that purpose.

Section 8. Section 38.120 of the Kentucky Revised Statutes is amended to read as follows:

A commissioned officer tendering his resignation, if the Governor accepts it, shall receive an honorable discharge if he is not under arrest or to be returned to a military court for deficiency or delinquency. The Governor may not accept the resignation of an officer of the Kentucky National Guard who has been charged with an offense under the Kentucky Military Code of Justice which is tantamount to a felony under Kentucky criminal law.

Section 9. Section 38.130 of the Kentucky Revised Statutes is amended to read as follows:

The Governor may order any commissioned officer before an efficiency board consisting of three officers senior in rank to the officer whose fitness for service is under examination. The board shall have the powers of courts of inquiry and courts-martial and shall inquire into the moral character, capacity and general fitness for the service of the commissioned officer, and record and return the testimony taken and a record of the proceedings. If the findings of the board are unfavorable to the officer and are approved by the Governor, he shall be discharged from the service. No officer shall participate in the examination or decision of the board in any case in which the decision would affect his own grade or promotion. Failure to appear when ordered before a board constituted under this section shall be sufficient grounds for a finding of the board that the officer ordered to appear be discharged.

Section 10. Section 38.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) An enlisted man shall not be discharged before the expir-

ation of his term of service except by order of the Governor or by sentence of court-martial approved by the Governor. A soldier upon his discharge from service, shall be given a certificate of discharge or report of separation from service signed by his commanding officer.

(2) The types of discharges used shall be the same as those promulgated by the Chief of the National Guard Bureau.

Section 11. Section 38.170 of the Kentucky Revised Statutes is amended to read as follows:

Upon satisfactory proof of the loss of a discharge certificate or of its destruction the Adjutant General may cause to be issued to the person a certificate of service, showing the date of enlistment and discharge from the military service and character given on the original discharge certificate upon payment of a one dollar fee.

Section 12. Section 38.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission of any officer who absents himself without leave for three months shall be vacated, and he may be dropped from the rolls of the National Guard and dismissed from service and be subject to punishment under the Kentucky Code of Military Justice.

(2) When an enlisted man of the National Guard absents himself without leave and there is reason to believe that he does not intend to return, he may be dropped from the rolls.

Section 13. Section 38.200 of the Kentucky Revised Statutes is amended to read as follows:

Except when in the service of the United States, officers and enlisted men, when employed in active state service, beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

DAILY RATES OF PAY AND ALLOWANCES OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND ENLISTED MEMBERS OF THE KENTUCKY NATIONAL GUARD ON ACTIVE STATE SERVICE

GRADE TITLE	CUMULATIVE YEARS OF SERVICE													Qrtrs. with dpndts	Allowance without dpndts	Subsistence	Flying pay (Crew member)
	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30				
0-8 Major General	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	33.10	5.70	4.56	1.60	5.00
0-7 Brigadier General	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	27.66	28.65	5.70	4.56	1.60	5.00
0-6 Colonel	19.76	19.76	19.76	19.76	19.76	19.76	19.76	19.76	20.25	21.24	22.23	23.22	24.21	4.56	3.99	1.60	7.00
0-5 Lt. Colonel	15.81	15.81	15.81	15.81	15.81	15.81	16.30	16.80	17.29	18.28	19.27	20.25	20.25	4.56	3.42	1.60	6.00
0-4 Major	13.34	13.34	13.34	13.34	13.83	14.33	14.82	15.31	15.81	16.80	17.29	17.78	17.78	3.99	3.14	1.60	5.00
0-3 Captain	10.87	10.87	11.36	11.86	12.35	12.84	13.34	13.83	14.33	14.82	15.31	15.31	15.31	3.42	2.84	1.60	4.00
0-2 First Lieutenant	8.65	9.14	9.63	10.31	10.62	11.12	11.61	12.10	12.10	12.10	12.10	12.10	12.10	3.14	2.54	1.60	3.66
0-1 Second Lieutenant	7.41	7.90	8.40	8.89	9.39	9.88	10.37	10.87	10.87	10.87	10.87	10.87	10.87	2.85	2.28	1.60	3.33
W-4 Chief Warrant Officer	11.10	11.10	11.10	11.60	12.11	12.61	13.11	13.62	14.12	14.63	15.13	15.64	16.14	3.99	3.14	1.60	3.33
W-3 Chief Warrant Officer	10.09	10.09	10.09	10.34	10.59	10.84	11.10	11.35	11.60	12.11	12.61	13.11	13.62	3.42	2.85	1.60	3.33
W-2 Chief Warrant Officer	8.83	8.83	8.83	8.83	9.08	9.33	9.58	9.84	10.09	10.59	11.10	11.60	12.11	3.14	2.57	1.60	3.33
W-1 W. O. Junior Grade	7.31	7.31	7.31	7.57	7.82	8.07	8.32	8.57	8.83	9.33	9.84	10.34	10.34	2.85	2.28	1.60	3.33

GRADE TITLE	CUMULATIVE YEARS OF SERVICE													No	1	2	Over	
	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30	Dep.	Dep.	Deps.	2 Deps.	Flying Pay
E-7 Master Sergeant	6.88	6.88	7.13	7.39	7.64	7.90	8.15	8.41	8.66	9.17	9.68	10.19	10.19	1.71	2.54	2.54	3.23	2.50
E-6 Sgt. 1st Class	5.86	5.86	6.12	6.37	6.62	6.88	7.13	7.39	7.64	8.15	8.66	8.66	8.66	1.71	2.54	2.54	3.23	2.25
E-5 Sergeant	4.84	5.10	5.35	5.61	5.86	6.12	6.37	6.62	6.88	7.39	7.90	7.90	7.90	1.71	2.54	2.54	3.23	2.00
E-4 Corporal	4.08	4.33	4.59	4.84	5.10	5.35	5.61	5.86	6.12	6.62	6.62	6.62	6.62	1.71	2.54	2.54	3.23	1.75
E-3 PFC	3.31	3.57	3.82	4.08	4.33	4.59	4.84	5.10	5.10	5.10	5.10	5.10	5.10	1.71	1.71	2.54	3.23	1.50
E-2 Private	2.86	3.12	3.38	3.64	3.90	4.16	4.16	4.16	4.16	4.16	4.16	4.16	4.16	1.71	1.71	2.54	3.23	1.25
E-1 Pvt (over 4 Months)	2.77	3.03	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	1.71	1.71	2.54	3.23	1.00
E-1 Pvt (Under 4 Months)	2.60													1.71	1.71	2.54	3.23	1.00

and in addition thereto actual and necessary cost of transportation, when transportation is not furnished in kind.

Section 14. Section 38.220 of the Kentucky Revised Statutes is amended to read as follows:

For service and attendance upon boards appointed by the Governor, general courts-martial and courts of inquiry as a member, judge advocate, recorder or witness, or upon inspection or other duty ordered by the Governor, officers and enlisted men, when not engaged on duty for which pay is provided, shall receive the same pay and allowances as is provided for active state service.

Section 15. Section 38.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member of the National Guard who is incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefore under lawful authority, which injury or disease directly results from such service, shall be entitled to receive the pay provided by KRS 38.200 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity. Where a claim is made under this section, the Adjutant General shall, from time to time, designate medical officers to examine the claimant, and may direct the claimant to be removed to and treated in a designated hospital. If the claimant refuses to permit the examination, or to go to the hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit his right to any claim, pay or allowance under this section.

(2) If the death of any member of the National Guard results from an injury received or disease contracted when on duty or assembled therefor under lawful authority, the state shall pay his funeral expenses, but not to exceed two hundred and fifty dollars.

(3) The body of an officer or enlisted man who dies while in active state service, shall, under the direction of his commanding officer and at the expense of the state, be promptly prepared for burial, enclosed in a suitable casket, and returned to his late residence under a proper escort; but the cost to the state of the casket

and preparing the body for burial shall not exceed the sum of two hundred and fifty dollars.

(4) If any member of the National Guard, when on duty or assembled therefor under lawful authority, does any act in the discharge of his duty that causes him to be proceeded against by civil court action, the Attorney General shall represent him in the civil proceedings. If, under the same conditions, a member of the National Guard is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint legal counsel to represent him in the criminal proceedings. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor.

(5) All disbursements under this section, shall, upon proper certification be paid from the appropriation for the Department of Military Affairs.

Section 16. Section 38.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every unit of the Kentucky National Guard shall assemble for drill and instructions not less than forty-eight times each year, and shall participate in encampments, maneuvers or other exercises at least fifteen days in each year unless excused therefrom by the Governor. The number present in order to obtain credit for the drill, period of time and type of instruction shall be such as is prescribed by the Governor.

(2) All employes of the Commonwealth of Kentucky shall be entitled to fifteen days annual military leave with pay.

Section 17. Section 38.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Units allotted to the Kentucky National Guard by the U.S. Department of Defense and accepted by the Governor, shall be maintained by the state and furnished with adequate and suitable armory accommodations, ranges, and camp grounds.

(2) The state shall provide such arms, equipment, colors, camp and garrison equipage, books of instruction and of record

and other supplies as are necessary for the proper performance of the duties required by this chapter.

(3) Every commissioned officer shall provide himself, at his own expense, with uniforms and equipment to be worn by officers of his rank.

Section 18. Section 38.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Premises occupied by the Kentucky National Guard for military purposes shall be under the control of the commanding officer using them.

(2) All military property furnished for the use of the several organizations of the Kentucky National Guard shall be kept in the armory or storerooms of the command, except when in use for authorized military purposes.

Section 19. Section 38.310 of the Kentucky Revised Statutes is amended to read as follows:

No military property furnished by the United States, through the agency of the state, to any officer or soldier of the Kentucky National Guard shall be sold, bartered, exchanged, pledged, loaned or given away. No person, not a soldier or duly authorized officer of the state, who has possession of any military property so furnished, and which has been the subject of any such barter, exchange, pledge, loan or gift, shall have any right, title or interest therein, but the property may be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to the Adjutant General or other officer authorized to receive it. The possession of such military property by any person not a soldier or officer of the state shall be presumptive evidence of such a sale, barter, exchange, pledge, loan or gift.

Section 20. Section 38.420 of the Kentucky Revised Statutes is amended to read as follows:

Officers, warrant officers and enlisted men of the Kentucky National Guard shall, while on active state service have the same right to carry arms, and in the same manner as sheriffs and other peace officers.

Section 21. Section 38.430 of the Kentucky Revised Statutes is amended to read as follows:

Officers, warrant officers, and enlisted men of the Kentucky National Guard, while in active state service, going to or returning from any parade, encampment, drill or meeting they are required by proper authority to attend, shall, together with their vehicular conveyances, animals and military property in their custody, be allowed to pass free through toll gates and over all interstate and intrastate toll bridges and ferries if they are in uniform or present a written order signed by an officer of the Kentucky National Guard.

Section 22. Section 38.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No persons other than the Kentucky National Guard or Kentucky Active Militia shall associate together as an armed company or drill or parade with arms without permission from the Governor.

(2) Benevolent and social organizations may wear swords and students in educational institutions chartered under the laws of Kentucky, in which military science is part of the course of instruction, may drill and parade with arms in public under the supervision of their instructors.

Section 23. Section 38.450 of the Kentucky Revised Statutes is amended to read as follows:

No person shall wear any uniform, device, strap, knot or other insigna prescribed by law or general regulation as a designation of rank, grade or office in the Kentucky National Guard, except members of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, the National Guard of this or any other state, members of associations wholly composed of soldiers honorably discharged from the service of the United States or any state, and the faculty and students of educational institutions.

Section 24. Section 38.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall, either by himself or with another will-

fully deprive a member of the Kentucky National Guard or Kentucky Active Militia of his employment or prevent his being employed or in any way obstruct a member of the Kentucky National Guard or Kentucky Active Militia in the conduct of his trade, business or profession or by threats of violence prevent any person from enlisting in the Kentucky National Guard or Kentucky Active Militia.

(2) No association or corporation constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the Kentucky National Guard or Kentucky Active Militia because of his membership, eligibility for membership or right to retain membership in such organization.

Section 25. Section 38.470 of the Kentucky Revised Statutes is amended to read as follows:

When the Kentucky National Guard or Kentucky Active Militia is called into active state service by the Governor for any purpose, requiring the service of members thereof who are students in any institution of learning in the state, no teacher, professor, principal or president of the institution shall discriminate against any such student by reason of his absence, but shall credit him with all academic work accomplished to the date of his absence.

Section 26. Section 38.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Officers, warrant officers, and enlisted men of the Kentucky National Guard or Kentucky Active Militia ordered into active state service by the Governor shall not be liable, civilly or criminally, for any act done by them in pursuance of duty in such service.

(2) No officer, warrant officer, or enlisted man of the Kentucky National Guard or Kentucky Active Militia shall be arrested except in case of a felony while going to, remaining at, or returning from a place where he is ordered to attend for active state service.

Section 27. Section 38.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who makes a false oath as to any statement contained in the enlistment papers mentioned in subsection (3) of KRS 38.090 shall be fined not less than ten nor more than fifty dollars.

(2) Any civil officer who fails to execute process and sentences when required to do so under KRS 38.400 shall be fined not more than fifty dollars for each offense.

Any master, keeper, or other person in charge of a tollgate, toll bridge or ferry who willfully hinders or delays any member of the Kentucky National Guard or Kentucky Active Militia going to or returning from any parade, encampment, drill, or meeting which he is required by proper authority to attend, or who refuses free passage to any member, conveyance or other property in violation of KRS 38.430 shall be fined not more than fifty dollars for each offense.

(4) Any person who violates any of the provisions of KRS 38.440 shall be fined not less than ten nor more than one hundred dollars, or imprisoned in the county jail for not more than six months, or both.

(5) Any person who violates any of the provisions of KRS 38.450 shall be fined not less than ten nor more than one hundred dollars.

(6) Any person who violates any of the provisions of subsection (1) of KRS 38.460 or who aids in enforcing any provision prohibited by subsection (2) of KRS 38.460 shall be fined not less than one hundred or more than five hundred dollars or imprisoned in the county jail not less than six months, or both.

(7) Any person who trespasses upon property occupied by the Kentucky National Guard or Kentucky Active Militia contrary to the orders of the officer in charge of such property shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the county jail for six months, or both.

(8) Any witness who refuses to appear in answer to a subpoena, to answer questions before a military court or board is

guilty of contempt and may be fined not more than fifty dollars by such court or board.

Section 28. Sections 38.050, 38.060, 38.080, 38.150, 38.190, 38.260, 38.320, 38.330, 38.350, 38.360, 38.370, 38.380, 38.390 and 38.410 of the Kentucky Revised Statutes are hereby repealed.

H. B. No. 75. AN ACT relating to military law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "National Guard" means the Kentucky Army National Guard and the Kentucky Air National Guard;

(2) "Active Militia" means a volunteer defense unit other than the National Guard;

(3) "Officer" means a commissioned officer including a warrant officer;

(4) "Superior officer" means an officer superior in rank or command;

(5) "Enlisted person" means any person who is serving in an enlisted grade in any force of the National Guard or Active Militia;

(6) "Active state service" means full-time military duty in the active service of the state under an order of the Governor as defined in KRS 38.010 (4);

(7) "Military court" means a court-martial, a court of inquiry, a provost court, or a military commission;

(8) "Law officer" means an official of a general court-martial detailed in accordance with Section 26 of this Act;

(9) "Subject person" means person subject to this Act;

(10) "Code" means this Act.

Section 2. All persons belonging to the National Guard or Active Militia shall be subject to the provisions of this code.

Section 3. (1) Any person charged with having committed, while in a status in which he was subject to this code, an offense against this code for which the person cannot be tried in the courts of the state shall not be relieved from amenability to trial by courts-martial by reason of the termination of said status.

(2) All persons discharged from the National Guard or Active Militia subsequently charged with having fraudulently obtained said discharge shall be subject to trial by court-martial on said charge and, after apprehension, shall be subject to this code. Upon conviction of said charge they shall be subject to trial by court-martial for any offense under this code committed prior to the fraudulent discharge.

(3) Any person who has deserted from the National Guard or Active Militia shall not be relieved from amenability to the jurisdiction of this code by virtue of a separation from any subsequent period of service.

Section 4. (1) When any officer, dismissed by order of the Governor for absence without leave for a period of six months or more, makes a written application for trial by court-martial, setting forth under oath that he has been wrongfully dismissed, the Governor, as soon as practicable, shall convene a general court-martial to try such officer on the charges on which he was dismissed. A court-martial so convened shall have jurisdiction to try the dismissed officer on such charges, and he shall be deemed to have waived the right to plead any statute of limitations applicable to the offense with which he is charged. The court-martial may, as part of its sentence, adjudge the affirmance of the dismissal, but if the court-martial acquits the accused or if the sentence adjudged, as finally approved or affirmed, does not include dismissal, the Adjutant General shall substitute for the dismissal ordered by the Governor a form of discharge authorized for administrative issuance.

(2) If the Governor fails to convene a general court-martial within six months from the presentation of an application for trial under this section, the Adjutant General shall substitute for the dismissal ordered by the Governor a form of discharge authorized for administrative issuance.

(3) Where a discharge is substituted for a dismissal under the authority of this section, the Governor alone may reappoint the officer to such commissioned rank and precedence as in the opinion of the Governor such former officer would have attained had he not been dismissed. The reappointment of such a former officer may be provided a position vacancy is available under applicable tables of organization. All time between the dismissal and such reappointment shall be considered as service for all purposes.

(4) When an officer is discharged from the National Guard or Active Militia by administrative action or is dropped from the rolls by order of the Governor, there shall not be a right to trial under this section.

Section 5. (1) This code shall be applicable in all places within the state. It shall also apply to all subject persons while serving without the state and while going to and returning from such service without the state in like manner and to the same extent as while such persons are serving within the state.

(2) Courts-martial and courts of inquiry may be convened and held in units of the National Guard or Active Militia while serving without the state with the same jurisdiction and powers as if held within the state and offenses committed without the state may be tried and punished either without the state or within the state.

Section 6. (1) Apprehension is the taking into custody of a person.

(2) Any person authorized under regulations issued pursuant to this Act to apprehend subject persons, any marshal of a court-martial appointed pursuant to the provisions of this Act any peace officer as defined in KRS 61.310 and 446.010 may apprehend subject persons upon reasonable belief that an offense has been committed and that the person apprehended committed it.

(3) All officers, petty officers, and noncommissioned officers shall have authority to quell all quarrels, frays and disorders among subject persons and to apprehend such persons who take part in the same.

(4) Except as otherwise provided in this Act, no peace officer or marshal of a court-martial shall demand or require payment of any fee or charge of any nature for apprehending or placing in confinement any subject person.

Section 7. It shall be lawful for any civil officer having authority to apprehend offenders under the laws of the United States or of any state, district, territory or possession of the United States, summarily to apprehend a deserter from the National Guard or Active Militia and deliver him into the custody of the National Guard or Active Militia.

Section 8. (1) Arrest is the restraint of a person by an order not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(2) An enlisted person may be ordered apprehended or into arrest or confinement by any officer by an order, oral or written, delivered in person, or through other subject persons, or through any person authorized by this code to apprehend persons.

(3) An officer may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another officer. The authority to order such persons into arrest or confinement may not be delegated.

(4) No person shall be ordered into arrest or confinement except for probable cause.

(5) Nothing in this section shall be construed to limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Section 9. Any subject person charged with an offense under this code shall be ordered apprehended or into arrest or confinement, as circumstances may require. When any subject person is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused, and to try him or to dismiss the charges and release him.

Section 10. (1) Confinement and imprisonment other than in guard house, whether prior to, during or after trial by a military court, shall be executed in jails, penitentiaries or prisons designated by the Governor or by the Adjutant General for that purpose.

(2) No provost marshal, commander of a guard, warden, jailer or officer of any jail, penitentiary or prison, as designated in subsection (1), shall refuse to receive or keep any prisoner committed to his charge when the committing person furnishes a statement, signed by him, of the offense charged against the prisoner.

(3) Every provost marshal, commander of a guard, warden, jailer or officer, as set out in subsection (2), to whose charge a prisoner is committed shall, within twenty-four hours after such commitment or as soon as he is relieved from guard, report to the commanding officer of the prisoner the name of such prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

Section 11. Subject to the provisions of Section 55, no person, while being held for trial or the results of trial, shall be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during such period for infractions of discipline.

Section 12. (1) Under such regulations as may be issued pursuant to this Act, a subject person accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this Act is made to any civil authority of a person undergoing sentence of a court-martial, such delivery, if followed by conviction in a civil tribunal, shall be held to interrupt the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of the Adjutant

General, be returned to military custody for the completion of the said court-martial sentence.

Section 13. (1) Under such regulations as may be issued pursuant to this Act, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his command:

1. Withholding of privileges for a period not to exceed two consecutive weeks;

2. Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks; or

3. If imposed by the Governor or Adjutant General, forfeiture of pay and allowances not exceeding seventy-five dollars.

(b) Upon other military personnel:

1. Withholding of privileges for a period not to exceed two consecutive weeks;

2. Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks;

3. Extra duties for a period not to exceed two consecutive weeks, and not to exceed two hours per day, holidays included; or

4. If imposed by an officer exercising special court-martial jurisdiction, forfeiture of pay and allowances not exceeding ten dollars.

(2) Under such regulations as may be issued pursuant to this Act, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers authorized to exercise such powers, and the applicability of this section to an accused on active service who demands trial by a court-martial.

(3) An officer in charge may, for minor offenses, impose on enlisted persons assigned to the unit of which he is in charge

such of the punishments authorized to be imposed by commanding officers as may be specifically prescribed by regulations issued pursuant to this Act.

(4) A person punished under authority of this section who deems his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command, and superior authority, shall have power to suspend, set aside, or remit any part or amount of the punishment and to restore all rights, privileges, and property affected.

(5) The imposition and enforcement of disciplinary punishment under authority of this section for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(6) Whenever a punishment of forfeiture of pay and allowances is imposed as provided in this section, the forfeiture may apply to pay or allowances becoming due on or after the date such punishment is imposed and to any pay allowances accrued before such a date.

Section 14. There shall be three kinds of courts-martial in each of the forces of the National Guard and Active Militia, namely:

(1) General courts-martial, which shall consist of a law officer and any number of members not less than five;

(2) Special courts-martial, which shall consist of any number of members not less than three; and

(3) Summary courts-martial, which shall consist of one officer other than a warrant officer.

Section 15. The National Guard or Active Militia shall have court-martial jurisdiction over all subject persons.

Section 16. General courts-martial shall have jurisdiction to try subject persons for any offense for which may be punished by this code, and, in connection therewith, shall have the power to fix the following punishments:

(1) Confinement with hard labor for not exceeding two hundred days;

(2) Fines not exceeding two hundred dollars;

(3) Confinement with hard labor in lieu of fines imposed, not exceeding one day for each dollar of fine imposed;

(4) Forfeiture of pay and allowances, not exceeding two hundred dollars;

(5) Dishonorable discharge;

(6) Bad conduct discharge;

(7) Reprimand;

(8) Reduction of noncommissioned officers to the ranks; or

(9) A combination of any two or more of the punishments provided herein.

Section 17. (1) Special courts-martial shall have jurisdiction to try subject persons for any offense for which they may be punished by this code, and, in connection therewith, shall have the power to fix the following punishments:

(a) Confinement with hard labor for not exceeding one hundred days;

(b) Fines not exceeding one hundred dollars;

(c) Confinement with hard labor in lieu of fines imposed, not exceeding one day for each dollar of fine imposed;

(d) Forfeiture of pay and allowances, not exceeding one hundred dollars;

(e) Bad conduct discharge;

(f) Reprimand;

(g) Reduction of noncommissioned officers to the ranks; or

(h) A combination of any two or more of the punishments provided herein.

(2) A bad conduct discharge shall not be adjudged unless a complete record of the proceedings and testimony before the court has been made.

Section 18. (1) Summary courts-martial shall have jurisdiction to try subject persons, except officers, for any offense for which they may be punished by this code.

(2) No persons on active state service with respect to whom courts-martial have jurisdiction shall be brought to trial before a summary court-martial if he objects thereto, unless under the provisions of section 13 he has been permitted and has elected to refuse punishment under such section. Where objection to trial by summary court-martial is made by such an accused who has not been permitted to refuse punishment under section 13, trial shall be ordered by special or general court-martial, as may be appropriate.

(3) Summary courts-martial shall have the power to fix the following punishments in trials before them:

(a) Confinement with hard labor for not exceeding twenty-five days;

(b) Fines not exceeding twenty-five dollars;

(c) Confinement with hard labor in lieu of fines imposed, not exceeding one day for each dollar of fine imposed;

(d) Forfeiture of pay and allowances, not exceeding twenty-five dollars;

(e) Reprimand;

(f) Reduction of noncommissioned officers to the ranks; or

(g) A combination of any two or more of the punishments provided herein.

Section 19. The provisions of this code conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals, of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be tried by such military commissions, provost courts, or other military tribunals.

Section 20. General courts-martial may be convened by:

(1) The Governor;

(2) The Adjutant General;

(3) When empowered by the Governor, any other commanding officer in any force of the National Guard or Active Militia, who is not an accuser.

Section 21. (1) Special courts-martial may be convened by:

(a) Any person who may convene a general court-martial;

(b) The commanding officer of a garrison, fort, camp, station, air base or other place where members of a force of the National Guard or Active Militia are on duty;

(c) The commanding officer of a division, brigade, regiment, detached or separate battalion, wing, group, detached or separate squadron, or corresponding unit of the National Guard;

(d) The commanding officer of any separate or detached command or group of detached units of any of the forces of the National Guard or Active Militia placed under a single commander; or

(e) The commanding officer or officer in charge of any other command, when empowered by the Adjutant General.

(2) When any such officer is an accuser, the court shall be convened by superior competent authority, and may in any case be convened by such authority when deemed advisable by him.

Section 22. (1) Summary courts-martial may be convened by:

(a) Any person who may convene a general or special court-martial;

(b) The commanding officer of a detached or separate company or corresponding unit or other detachment of the National Guard or Active Militia;

(c) The commanding officer or officer in charge of any other command, when empowered by the Adjutant General.

(2) When but one officer is present with a command or detachment he shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him. Summary courts-martial may, however, be convened in any case by superior competent authority when deemed desirable by him.

Section 23. (1) Any officer of or on duty with the National Guard or Active Militia shall be eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

(2) Any warrant officer of or on duty with the National Guard or Active Militia shall be eligible to serve on general and special courts-martial for the trial of any person, other than an officer, who may lawfully be brought before such courts for trial.

(3) (a) Any enlisted person of the National Guard or Active Militia not a member of the same unit as the accused shall be eligible to serve on general and special courts-martial for the trial of any enlisted person who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, prior to the convening of such court, the accused personally has requested in writing that enlisted persons serve on it. After such a request, no enlisted person shall be tried by a general or special court-martial the membership of which does not include enlisted persons in a number comprising at least one-third of the total membership of the court, unless eligible enlisted persons cannot be obtained on account of physical conditions or military exigencies. Where such persons cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed

written statement, to be appended to the record, stating why they could not be obtained.

(b) For the purposes of this section, the word "unit" shall mean a duly organized body of the National Guard or Active Militia not larger than a company or a squadron.

(4) (a) When it can be avoided, no subject person shall be tried by a court-martial any member of which is junior to him in rank or grade.

(b) When convening a court-martial, the convening authority shall appoint as members thereof such persons as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No person shall be eligible to sit as a member of a general or special court-martial when he is the accuser, or a witness for the prosecution, or has acted as investigating officer or as counsel in the same case.

Section 24. (1) The authority convening a general court-martial shall appoint as law officer one who is a member of the bar of the highest court of a state. No person shall be eligible to act as law officer in a case when he is the accuser, or a witness for the prosecution, or has acted as investigating officer, or as counsel in the same case.

(2) The law officer shall not consult with the members of the court, other than on the form of the findings as provided in section 38, except in the presence of the accused, trial counsel, and defense counsel, nor shall he vote with the members of the court.

Section 25. (1) For each general and special court-martial the authority convening the court shall appoint a trial counsel and a defense counsel, together with such assistants as he deems necessary or appropriate. No person who has acted as investigating officer, law officer, or court member in any case shall act subsequently as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution shall act subsequently in the same case for the de-

fense, nor shall any person who has acted for the defense act subsequently in the same case for the prosecution.

(2) A person who is appointed as trial counsel or defense counsel of a general court-martial shall be a judge advocate of the National Guard or Active Militia or a person who is a member of the bar of the highest court of a state.

(3) In the case of a special court-martial:

(a) If the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel appointed by the convening authority shall be a person similarly qualified.

(b) If the trial counsel is a judge advocate, or a member of the bar of the highest court of a state, the defense counsel appointed by the convening authority shall be one of the foregoing.

Section 26. No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel or investigating officer in any case shall subsequently act as a staff judge advocate or legal officer to any reviewing authority upon the same case.

Section 27. Under such regulations as the Adjutant General may prescribe, the convening authority of a court-martial, military commission, or court of inquiry shall appoint qualified court reporters, who shall record the proceedings of and testimony taken before such court or commission. Under like regulations the convening authority of a court-martial, military commission, or court of inquiry may appoint an interpreter who shall interpret for the court or commission.

Section 28. (1) No member of a general or special court-martial shall be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

(2) Whenever a general court-martial is reduced below five members, the trial shall not proceed unless the convening authority appoints new members sufficient in number to provide not less than five members. When such new members have been sworn, the trial may proceed after the recorded testimony of

each witness previously examined has been read to the court in the presence of the law officer, the accused, and counsel.

(3) Whenever a special court-martial is reduced below three members, the trial shall not proceed unless the convening authority appoints new members sufficient in number to provide not less than three members. When such new members have been sworn, the trial shall proceed as if no evidence had previously been introduced, unless a verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel.

Section 29. (1) Charges and specifications shall be signed by a subject person under oath before a person authorized by this Act to administer oaths and shall state:

(a) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and

(b) That the same are true in fact to the best of his knowledge and belief.

(2) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.

Section 30. (1) No subject person shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(2) No subject person shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial..

(3) No subject person shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

Section 31. (1) No charge or specification shall be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiries as to the truth of the matter set forth in the charges, form of charges, and the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him and of his right to be represented by counsel at such investigation. Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel be reasonably available, or by counsel appointed by the officer exercising general court-martial jurisdiction over the command. At such investigation full opportunity shall be given to the accused to cross-examine witness against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witness requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted prior to the time the accused is charged with the offense, and if the accused was present at such investigation and afforded the opportunities for representation, cross-examination, and presentation as prescribed in subdivision (2) of this section, no further investigation of that charge is necessary under this section unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf.

(4) The requirements of this section shall be binding on all persons administering this code, but failure to follow them in any case shall not divest a military court of jurisdiction.

Section 32. When a person is held for trial by general court-martial, the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction. If the same is not practicable, he shall report in writing to such officer the reasons for delay.

Section 33. (1) Before directing the trial of any charge by general court-martial, the convening authority shall refer it to the state judge advocate or his staff judge advocate, as may be appropriate, for consideration and advice. The convening authority shall not refer a charge to a general court-martial for trial unless he has found that the charge alleges an offense under this code and is warranted by evidence in the report of investigation.

(2) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

Section 34. The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of the charges upon him, or before a special court-martial within a period of three days subsequent to the service of the charges upon him.

Section 35. The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals shall be prescribed by the Governor by regulations issued pursuant to this Act which shall, so far as he deems practicable, apply the forms and modes of procedure, the principles of law and the rules of evidence gen-

erally recognized in the trial of cases in the courts-martial of the United States, but which shall not be contrary to or inconsistent with this code.

Section 36. No authority convening a court-martial, nor any other commanding officer, shall censure, reprimand, or admonish such court or any member, law officer, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No subject person shall attempt to coerce or, by unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

Section 37. (1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings,

(2) The accused shall have the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available, or by the defense counsel duly appointed pursuant to section 25. Should the accused have counsel of his own selection, the duly appointed defense counsel, and assistant defense counsel, if any, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court.

(3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he may deem appropriate.

(4) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel, or when he is qualified to be a trial counsel as required by section 25, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial

counsel of a special court-martial may perform any duty of the trial counsel.

(5) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel, or when he is qualified to be the defense as required by section 25, perform any duty which, by law, regulation, or the custom of the service, is placed upon counsel for the accused.

Section 38. Whenever a general or special court-martial is to deliberate or vote, only the members of the court shall be present. After a general court-martial has finally voted on the findings, the court may request the law officer and the reporter to appear before the court to put the findings in proper form, and such proceedings shall be on the record. All other proceedings, including any other consultation of the court with counsel or the law officer shall be made a part of the record and be in the presence of the accused, the defense counsel, the trial counsel, and, in general court-martial cases, the law officer.

Section 39. A court-martial may, for reasonable cause, grant a continuance to any party for such time and as often as may appear to be just.

Section 40. (1) Members of a general or special court-martial and the law officer of a general court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The court shall determine the relevancy and validity of challenges for cause, and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) Each accused and trial counsel shall be entitled to one peremptory challenge, but the law officer shall not be challenged except for cause.

Section 41. (1) The law officer, all interpreters, and, in general and special courts-martial, the members, the trial counsel, assistant trial counsel, the defense counsel, assistant defense counsel, and the reporter shall take an oath or affirmation in the presence of the accused to perform their duties faithfully.

(2) All witnesses before court-martial shall be examined on oath or affirmation.

Section 42. (1) A person charged with mutiny may be tried and punished at any time without limitation.

(2) Except as otherwise provided in this section, a person charged with desertion or absence without leave shall not be liable to be tried by court-martial if the offense was committed more than one year before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(3) Except as otherwise provided in this Act, a person charged with any offense shall not be liable to be tried by court-martial or punished under section 13, if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under section 13.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend him, or in the custody of civil authorities, shall be excluded in computing the period of limitation prescribed in this section.

Section 43. (1) No person shall, without his consent, be tried a second time by a military court of the state for the same offense.

(2) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

(3) A proceeding which, subsequent to the introduction of evidence but prior to a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused shall be a trial in the sense of this section.

Section 44. If an accused arraigned before a court-martial makes any irregular pleading, or, after a plea of guilty, sets up

matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record and the court shall proceed as though he had pleaded not guilty.

Section 45. The trial counsel, defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with regulations issued by the Governor pursuant to this Act. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and to any other state in which the court-martial may be sitting.

Section 46. (1) Every person not subject to this code who, after the following two provisions have been complied with, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which such person may have been duly subpoenaed to produce, shall be deemed guilty of an offense against the state.

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before any court-martial, military commission or court of inquiry, or before any military or civil officer designated to take a deposition to be read in evidence before such court-martial, commission or court of inquiry; and

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending a circuit court of the state.

(2) Any person guilty of an offense against the state under subsection (1) may be punished by the court-martial, military commission or court of inquiry which issued the subpoena or subpoena duces tecum in the same manner and to the same extent as is provided for such failure or refusal in actions or proceedings in the Court of Appeals of this state.

Section 47. A military court may punish for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or

disorder. Such punishment shall not exceed confinement for thirty days or a fine of one hundred dollars, or both.

Section 48. (1) At any time after charges have been signed as provided in section 29, any party may take written depositions. If a deposition is to be taken before charges are referred for trial, the trial authority may designate officers to represent the prosecution and the defense and may authorize such officers to take the deposition of any witness.

(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(3) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the state or by the laws of the place where the deposition is taken to administer oaths.

(4) A duly authenticated deposition taken upon reasonable notice to the other party, so far as otherwise admissible under the rules of evidence, may be read in evidence before any court-martial, military commission or in any proceeding before a court of inquiry, if it appears:

(a) That the witness resides or is beyond the state in which the court-martial, military commission or court of inquiry is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing;

(b) That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

(c) That the present whereabouts of the witness is unknown.

Section 49. (1) In any case not extending to the dismissal of an officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial or military commission if

the accused was a party before the court of inquiry and if the same issue was involved therein, or the accused consents to the introduction of such evidence.

(2) Such testimony may be read in evidence only by the defense in cases extending to the dismissal of an officer.

(3) Such testimony may also be read in evidence before a court of inquiry or a military board.

Section 50. (1) Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence, shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(2) The law officer of a general court-martial and the president of a special court-martial shall rule upon interlocutory questions, other than challenge, arising during the proceedings. Any such ruling made by the law officer of a general court-martial upon any interlocutory question other than a motion for a finding of not guilty, or the question of accused's sanity, shall be final and shall constitute the ruling of the court; but the law officer may change any such ruling at any time during the trial. Unless such ruling be final, if any member objects thereto, the court shall be cleared and closed and the question decided by a vote as provided in section 51, viva voce, beginning with the junior in rank.

(3) Before a vote is taken on the findings, the law officer of a general court-martial and the president of a special court-martial shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court as follows:

(a) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(b) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in favor of the accused and he shall be acquitted;

(c) That if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(d) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the state.

Section 51. (1) No person shall be convicted of any offense except by the concurrence of at least two-thirds of the members present at the time the vote is taken, and all sentences shall be determined in the same manner.

(2) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote. A tie vote on a challenge shall disqualify the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity shall be a determination against the accused. A tie vote on any other question shall be a determination in favor of the accused.

Section 52. Every court-martial shall announce its findings and sentence to the parties as soon as determined.

Section 53. (1) Each general court-martial shall keep a separate record of the proceedings of the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the law officer. In case the record cannot be authenticated by either the president or the law officer, by reason of the death, disability, or absence of such officer, it shall be signed by a member in lieu of him. If both the president and the law officer are unavailable for such reasons, the record shall be authenticated by two members.

(2) Each special and summary court-martial shall keep a separate record of the proceedings in each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations issued pursuant to this Act.

(3) As soon as authenticated, a copy of the record of the proceedings of each general and special court shall be given to the accused.

Section 54. (1) The punishment which a court-martial may direct for an offense shall not exceed the limits prescribed by this code.

(2) Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, shall not be adjudged by any court-martial or inflicted upon any subject person. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

Section 55. (1) Whenever a sentence of a court-martial, as lawfully adjudged and approved, includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date such sentence is approved by the convening authority and to any pay or allowances accrued before such date.

(2) Any period of confinement included in a sentence of a court-martial shall begin to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended shall be excluded in computing the service of the term of confinement.

(3) All other sentences of court-martial shall become effective on the date ordered executed.

Section 56. (1) Any sentence of confinement adjudged by a court-martial or other military court, whether or not such sentence includes discharge or dismissal, and whether or not such discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of the National Guard or Active Militia, or in any jail, penitentiary or prison designated for that purpose as prescribed in section 10 of this code; and persons so confined in such a jail, penitentiary or prison shall be subject to the same discipline and treatment as persons confined or committed to such jail, penitentiary or prison by the courts of the state or of any political subdivision thereof.

(2) The omission of the words "hard labor" in any sentence of a court-martial adjudging confinement shall not be construed as depriving the authority executing such sentence of the power to require hard labor as a part of the punishment.

(3) The jailers, officers and wardens of all jails, penitentiaries or prisons designated pursuant to section 10 of this code shall receive the bodies of persons ordered into confinement prior to trial and of persons committed to confinement by the process or mandate of a military court and shall confine them according to law, and no such jailer, officer or warden shall demand or require payment of any fee or charge of any nature for receiving or confining a person in such jail, penitentiary or prison.

Section 57. (1) No court-martial sentence involving a general officer or extending to the dismissal of an officer (other than a general officer) shall be executed until approved by the Governor. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him.

(2) No sentence which includes, unsuspended, a dishonorable or bad conduct discharge shall be executed until approved by an officer exercising general court-martial jurisdiction. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him.

(3) All other court-martial sentences, unless suspended, may be ordered executed by the convening authority when approved by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him.

Section 58. After every trial by court-martial, the record shall be forwarded to the convening authority, as reviewing authority, and action thereon may be taken by the officer who convened the court, an officer commanding for the time being, a successor in command, or by any officer exercising general court-martial jurisdiction.

Section 59. The convening authority shall refer the record of every general court-martial to the state judge advocate

or to his staff judge advocate or legal officer, as may be appropriate, who shall submit his written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

Section 60. (1) If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for consideration of the ruling and any further appropriate action.

(2) Where there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action. In no case, however, may the record be returned for the following:

(a) Reconsideration of a finding of not guilty of any specification, or a ruling which amounts to a finding of not guilty;

(b) Reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some section of this code; or

(c) Increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory.

Section 61. (1) If the convening authority disapproves the findings and sentence of a court-martial he may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing, in which case he shall state the reasons for disapproval. If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges.

(2) Every rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon such rehearing the accused

shall not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be imposed unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory.

Section 62. In acting on the findings and sentence of a court-martial, the convening authority shall approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he, in his discretion, determines should be approved. Unless otherwise indicated, approval of the sentence shall constitute approval of the findings and sentence.

Section 63. (1) When the convening authority is the Governor, his action on the review of any record of trial shall be final.

(2) In all other cases the following procedures shall apply:

(a) When the convening authority has taken final action in a general court-martial case, he shall forward the entire record, including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, to the state judge advocate for review.

(b) Where the sentence of a special court-martial as approved by the convening authority includes a bad conduct discharge, whether or not suspended, the record shall be forwarded to the officer exercising general court-martial jurisdiction over the command, to be reviewed in the same manner as a record of trial by general court-martial. If the sentence as approved by an officer exercising general court-martial jurisdiction includes a bad conduct discharge, whether or not suspended, the entire record including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, shall be forwarded to the state judge advocate for review.

(c) All other special and summary court-martial records shall be forwarded to the state judge advocate of the National Guard or Active Militia and shall be acted upon, transmitted

and disposed of as may be prescribed by regulations issued pursuant to this Act.

(3) The state judge advocate shall review the record of trial in every case forwarded to him for review as provided in this section. If the sentence, as approved, affects a general officer or extends to the dismissal of any officer, the state judge advocate shall submit his written opinion thereon to the Governor. If the final action of the court-martial in any case forwarded to the state judge advocate has resulted in an acquittal of all charges and specifications, the opinion of the state judge advocate shall be limited to questions of jurisdiction.

(4) In all cases reviewable by the state judge advocate which do not affect a general officer or extend to the dismissal of an officer, the state judge advocate shall take final action.

(5) In any case reviewable by the Governor where he is not the convening authority, and in any case reviewable by the state judge advocate, the Governor or the state judge advocate, as the case may be, shall have authority to:

(a) Act only with respect to the findings and sentence as approved by the convening authority;

(b) Affirm only such findings of guilty, and the sentence or such part or amount of the sentence as he finds correct in law and fact and determines on the basis of the entire record, should be approved;

(c) Weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses;

(d) Order a rehearing if he sets aside the findings and sentence, except where the setting aside is based on lack of sufficient evidence to support the findings;

(e) Order that the charges be dismissed if he sets aside the findings and sentence and does not order a rehearing.

(6) The state judge advocate shall, unless there is to be further action by the Governor, instruct the convening authority to take action in accordance with his decision on a review. If

he has ordered a rehearing but the convening authority finds a rehearing impracticable, he may dismiss the charges.

(7) The state judge advocate may constitute one or more boards of review each composed of not less than three officers of the National Guard or Active Militia each of whom shall be a member of the bar of this state, which boards shall review the record of any trial by court-martial referred to it by the state judge advocate. Such boards of review shall have the same authority and powers on the review of a record as the state judge advocate has under the provisions of this section.

Section 64. A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

Section 65. Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm so much of the finding as includes a lesser included offense.

Section 66. (1) Upon the final review of a sentence of a general court-martial and of a sentence to a bad conduct discharge, the accused shall have the right to be represented by counsel before the reviewing authority, the staff judge advocate or legal officer, as the case may be, and before the state judge advocate.

(2) Upon the request of an accused entitled to be so represented, the state judge advocate shall appoint a lawyer who is a member of the National Guard or Active Militia to represent the accused before the reviewing authority, the staff judge advocate, or legal officer, as the case may be, and before the state judge advocate, in the review of cases specified in subsection (1) herein.

(3) An accused entitled to be so represented may be represented before the reviewing authority, the staff judge advocate or legal officer, as the case may be, and before the state judge advocate, by civilian counsel, if provided by him.

Section 67. (1) Prior to the vacation of the suspension of a special court-martial sentence which, as approved, includes a bad conduct discharge, or of any general court-martial sentence,

the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. If he so desires the probationer shall be represented at such hearing either by counsel provided by him or by counsel provided for him at his request in the same manner as specified in section 66 of this code.

(2) The record of the hearing and the recommendations of the officer having special court-martial jurisdiction shall be forwarded for action to the officer exercising general court-martial jurisdiction over the probationer. If he vacates the suspension, the vacation shall be effective to execute any unexecuted portion of the sentence except a dismissal. The vacation of the suspension of a dismissal shall not be effective until approved by the Governor.

(3) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

Section 68. At any time within one year after approval by the convening authority of a court-martial sentence which extends to dismissal, dishonorable or bad conduct discharge, the accused may petition the Governor for a new trial on grounds of newly discovered evidence or fraud in the court-martial. The Governor shall act upon the petition.

Section 69. (1) The Governor may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures. The convening authority may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the Governor.

(2) The Governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

Section 70. (1) Under such regulations as may be prescribed pursuant to this Act, all rights, privileges, and property affected by an executed portion of a court-martial sentence which has been set aside or disapproved, except an executed

dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed portion is included in a sentence imposed upon the new trial or rehearing.

(2) Where a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial, the Adjutant General shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(3) Where a previously executed sentence of dismissal is not sustained on a new trial, the Adjutant General shall substitute therefor a form of discharge authorized for administrative issuance and the officer dismissed by such sentence may be reappointed by the Governor, only, to such commissioned rank and precedence as in the opinion of the Governor such former officer would have attained had he not been dismissed. The reappointment of such a former officer may be made provided a position vacancy is available under applicable tables of organization. All time between the dismissal and such reappointment shall be considered as service for all purposes.

Section 71. The proceedings, findings, and sentences of courts-martial as reviewed and approved, and all dismissals and discharges carried into execution pursuant to sentences by courts-martial following review and approval, shall be final and conclusive and orders publishing the proceedings of courts-martial and all action taken pursuant to such proceedings shall be binding upon all departments, courts, agencies, and officers of the state, subject only to action upon a petition for a new trial as provided in section 68.

Section 72. The state judge advocate or his assistants shall make frequent inspections in the field in supervision of the administration of military justice in the National Guard and Active Militia.

Section 73. Convening authorities, judge advocates and legal officers may communicate directly with one another in matters relating to the administration of military justice without going through regular channels of military communication.

Section 74. (1) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Governor for that purpose whether or not the persons involved have requested such an inquiry.

(2) A court of inquiry shall consist of three or more officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(3) Any subject person whose conduct is subject to inquiry shall be designated as a party. Any subject person or person employed in the Military Department of the Commonwealth of Kentucky who has a direct interest in the subject of inquiry shall have the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and shall have the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry in like manner as provided for in courts-martial.

(7) Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. In case the record cannot be authenticated by the president it shall be signed by a member in lieu of the president and in case the record cannot be authenticated by the counsel for the court it shall be signed by a member in lieu of the counsel.

Section 75. (1) The following officers of the National Guard and Active Militia shall have power to administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for such purposes before such officers:

(a) All judge advocates of the National Guard and Active Militia.

(b) All summary courts-martial.

(c) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(d) All staff judge advocates and acting or assistant staff judge advocates.

(e) All other persons designated by regulations issued pursuant to this Act.

(2) The following officers of the National Guard or Active Militia shall have power to administer oaths necessary in the performance of their duties, and affidavits may be taken for such purposes before such officers:

(a) The president, law officer, trial counsel, and assistant trial counsel for all general and special courts-martial.

(b) The president and the counsel for the court of any court of inquiry.

(c) All officers designated to take a deposition.

(d) All persons detailed to conduct an investigation.

(e) All other persons designated by regulations issued pursuant to this Act.

(3) The signature without seal of any person enumerated in subsections (1) and (2), together with the title of his office, shall be prima facie evidence of his authority.

Section 76. Sections 2, 3, 6 through 13, 23, 25, 30, 36, 37, 54, 76, 77, 78 and 87 through 113 of this code shall be carefully explained to every enlisted person at the time of his enlistment or induction into or when ordered to duty in or with any of the forces of the National Guard or Active Militia or

within six days thereafter. They shall be explained again after he has completed six months service, and again at the time he reenlists. A complete text of this code and of the regulations prescribed by the Governor thereunder shall, upon request, be made available to any member of the National Guard or Active Militia for his personal examination.

Section 77. Any member of the National Guard or Active Militia who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to any superior officer who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. That officer shall examine into said complaint and take proper measures for redressing the wrong complained of, and he shall, as soon as possible, transmit to the Adjutant General a true statement of such complaint with the proceedings had thereon.

Section 78. (1) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the National Guard or Active Militia he may, subject to such regulations as may be prescribed pursuant to this Act, convene a board to investigate the complaint. The board shall consist of from one to three officers and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and, in the amount approved by him, shall be charged against the pay of the offenders. The order of such commanding officer directing charges herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

(2) Where the offenders cannot be ascertained, but the organization or detachment to which they belong is known, the Adjutant General may direct that the amount of damages assessed and approved be paid to the injured parties from the

military fund of the unit of the National Guard or Active Militia to which such offenders belonged.

Section 79. (1) Summary courts-martial and the presidents of other courts-martial and of courts of inquiry may each appoint a marshal. Before entering upon his duties, each marshal shall execute a bond to the state in the penal sum of one thousand dollars, with sufficient sureties, to be approved by the president of the court or officer appointing him, for the faithful performance of his duties and the prompt payment of all moneys collected by him.

(2) Each marshal shall perform the usual duties of such marshals and shall execute any process, mandate or order issued by the appointing president, court or officer, and perform all acts and duties, by this Act imposed on or authorized to be performed by any peace officer as defined in KRS 61.310 and 446.010.

(3) A bond given as provided herein may be prosecuted for breach of the conditions thereof, in the name of the people, by the Attorney General or a judge advocate, and all moneys recovered shall be paid into the military fund for the benefit of any person injured by any wrongful act of such marshal. For the purposes of this Act all marshals shall be deemed peace officers as defined in KRS 61.310 and 446.010, and shall have all the powers and immunities of peace officers.

Section 80. (1) Military courts are empowered to issue all process and mandates necessary and proper to carry into full effect the powers vested in said courts. Such courts shall have power to issue subpoenas and subpoenas duces tecum and to enforce by attachment attendance of witnesses and production of books and records.

(2) Process and mandates may be issued by summary courts-martial, provost courts and the president of other military courts and may be directed to and may be executed by the marshals of the military court or any peace officer as defined in KRS 61.310 and KRS 446.010, and shall be in such form as may be prescribed by regulations issued pursuant to this Act.

(3) It shall be the duty of all officers to whom such process or mandate may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same. Except as otherwise specifically provided in this Act, no such officer shall demand or require payment of any fee or charge of any nature for receiving, executing or returning any such process or mandate or for any services in connection therewith.

Section 81. Fines may be paid to a military court or to an officer executing its process. The amount of any such fine may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due him, until the fine is liquidated. Any sum so deducted from any state pay or allowance shall be turned into the military court which imposed the fine and shall be paid over by the officer receiving the same in like manner as provided for other fines and moneys collected under a sentence of a summary court-martial. A fine or penalty imposed by a military court upon an officer or enlisted man shall be paid by the collecting officer, and within thirty days after collection, to the Treasurer of the Commonwealth of Kentucky, and it shall form a part of and be credited to the military fund of such organization or detachment. The Treasurer of the Commonwealth of Kentucky shall thereupon report the amount thereof, designating the organization or detachment to which it belongs, to the Adjutant General of the state.

Section 82. No action or proceeding shall be prosecuted or maintained against the convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court.

Section 83. The jurisdiction of the military courts and boards established by this Act shall be presumed and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.

Section 84. The Governor is authorized to delegate any authority vested in him under this code, and to provide for the subdelegation of any such authority.

Section 85. This Act shall be known and may be cited and referred to as the Kentucky Code of Military Justice.

Section 86. All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the effective date of this Act under any law embraced in or modified, changed or repealed by this Act may be prosecuted, punished and enforced, and action thereon may be completed, in the same manner and with the same effect as if this Act had not been passed.

Section 87. Any subject person who commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or causes an act to be done which if directly performed by him would be punishable by this code, is a principal offender.

Section 88. An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or of an offense necessarily included therein.

Section 89. (1) An act, done with specific intent to commit an offense under this code, amounting to more than mere preparation and tending but failing to effect its commission, is an attempt to commit that offense.

(2) Any subject person who attempts to commit any offense punishable by this code shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(3) Any subject person may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

Section 90. Any subject person who, in a judicial proceeding or course of justice, willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry is guilty of perjury.

Section 91. (1) Any member of the National Guard or Active Militia who is found guilty of any of the following conduct is guilty of desertion:

(a) Without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away therefrom permanently;

(b) Quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(c) Without being regularly separated from one of the forces of the National Guard or Active Militia enlists or accepts an appointment in the same or another one of the forces of the National Guard or Active Militia without fully disclosing the fact he has not been so regularly separated.

(2) Any officer of the National Guard or Active Militia who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

Section 92. (1) Any subject person, who, with intent to usurp or override lawful military authority, refuses, in concert with any other person or persons, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny.

(2) Any subject person, who, with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person or persons, revolt, violence, or other disturbance against such authority is guilty of sedition.

(3) Any subject person who fails to do his utmost to prevent and suppress an offense of mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior or commanding officer of an offense of mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

Section 93. (1) Any subject person who solicits or advises another or others to desert in violation of sections 91 and 113,

or mutiny in violation of sections 92 and 113, shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but if the offense solicited or advised is not committed or attempted, he shall be punished as a court-martial may direct.

Section 94. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

Section 95. Any warrant officer or enlisted person who is found guilty of any of the following offenses shall be punished as a court-martial may direct:

(1) Strikes or assaults a warrant officer, or noncommissioned officer while such officer is in the execution of his office.

(2) Willfully disobeys the lawful order of a warrant officer or noncommissioned officer.

(3) Treats with contempt or is disrespectful in language or deportment toward an officer, warrant officer or noncommissioned officer, while such officer is in the execution of his office.

Section 96. (1) All subject persons shall secure all public property in their possession, custody, or control.

(2) Any subject person who fails to carry out the duties prescribed in subsection (1); or who buys, sells, trades, or in any way deals in or disposes of public property, whereby he shall receive or expect any profit, benefit, or advantage to himself or another directly or indirectly connected with himself, shall be punished as a court-martial may direct.

Section 97. Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the National Guard and Active Militia of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Section 98. Any subject person who is found guilty of any of the following offenses shall be punished as a court-martial may direct:

(1) Knowingly receiving, comforting, or assisting an offender under this code in order to hinder or prevent his apprehension, trial, or punishment.

(2) Conspiring with any other person to commit an offense under this code and in which one or more of the conspirators does an act to affect the object of the conspiracy.

(3) Procuring his enlistment or appointment in the National Guard or Active Militia by knowingly false representations or deliberate concealment as to his qualifications for such enlistment or appointment and receiving pay or allowances thereunder.

(4) Procuring his separation from the National Guard or Active Militia by knowingly false representations or deliberate concealment as to eligibility for such separation.

(5) Effecting an enlistment or appointment in or a separation from the National Guard or Active Militia of any person who is known to him to be ineligible for such enlistment, appointment or separation because prohibited by law, regulation or order.

(6) Desertion or attempted desertion.

(7) Without proper authority, failing to go to his appointed place of duty at the time prescribed or, for any length of time, absenting himself from his unit, organization, or other place of duty at which he is required to be at the time prescribed.

(8) Negligently or intentionally missing the movement of an aircraft or unit with which he is required, in the course of duty, to move.

(9) Use of contemptuous words against the President of the United States, or the Governor or General Assembly of this Commonwealth.

(10) Behaving with disrespect toward his superior officer.

(11) Striking his superior officer or drawing or lifting up any weapon or offering any violence against him while he is in the execution of his office, or willfully disobeying a lawful command of his superior officer.

(12) Violation or failure to obey any lawful general order or regulation; or, with knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, failure to obey the same; or dereliction in the performance of his duties.

(13) Cruelty toward, or oppression or maltreatment of, any person subject to his orders.

(14) Mutiny, attempted mutiny, sedition, or failure to suppress or report a mutiny or sedition.

(15) Resisting apprehension, breaking arrest, or escaping from custody or confinement.

(16) Without proper authority, releasing any prisoner duly committed to his charge; or, through neglect or design, suffering any such prisoner to escape.

(17) Unlawfully apprehending, arresting or confining any person.

(18) Responsibility for unnecessary delay in disposition of any case of a person accused of an offense under this code; or knowingly and intentionally failing to enforce or comply with any provision of this code regulating the proceedings before, during or after the trial of an accused.

(19) Forcing a safeguard.

(20) With intent to deceive, and knowing same to be false, signing any false record, return, regulation, order, or other official document, or making any other false official statement.

(21) Willfully, recklessly or wongfully wasting, spoiling or otherwise damaging or destroying any property other than military property of the United States or of this state.

(22) Operating any vehicle while drunk, or in a reckless or wanton manner.

(23) Drunkenness on duty, drunkenness or sleeping upon his post, or leaving his post before he is regularly relieved.

(24) Fighting or promoting a duel, concernment or connivance in the fighting of a duel; or, with knowledge of a chal-

lenge sent or about to be sent, failing to report the fact promptly to the proper authority.

(25) Feigning illness, physical disability, mental lapse or derangement, or intentionally inflicting self-injury, for the purpose of avoiding work, duty or service.

(26) Causing or participating in any riot or other breach of peace.

(27) Use of provoking or reproachful words or gestures towards any other subject person.

(28) Perjury.

Section 99. Any subject person who, while on active state duty and without justification or excuse, unlawfully kills another human being under any of the following circumstances is guilty of murder:

(1) With a premeditated design to kill.

(2) With an intention to kill or to inflict great bodily harm.

(3) While engaged in an act which is inherently dangerous to others and in which a wanton disregard of human life is evinced.

(4) While engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson.

Section 100. (1) Any subject person who, while on active state duty and with an intent to kill or inflict great bodily harm, unlawfully kills another human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter.

(2) Any subject person who, while on active state duty and without an intent to kill or inflict great bodily harm, unlawfully kills another human being by culpable negligence, or while perpetrating or attempting to perpetrate an offense, other than that specified in section 106, directly affecting the person, is guilty of involuntary manslaughter.

Section 101. (1) Any subject person who, while on active state duty, commits an act of sexual intercourse with a female not his wife, by force and without her consent, is guilty of rape.

(2) Any subject person who, while on active state duty, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge.

(3) Penetration, however slight, is sufficient to complete the offenses prescribed in subsection (1) and (2).

Section 102. (1) Any subject person who wrongfully takes, obtains, or withholds, by any means whatever, from the possession of the true owner or of any other person any money, personal property, or article of value of any kind, with intent permanently to deprive or defraud another person of the use and benefit of such property or to appropriate the same to his own use or the use of any person other than the true owner, steals such property and is guilty of larceny.

(2) Any subject person guilty of the conduct set out in subsection (1), but with the intent temporarily to deprive or defraud another person of the use and benefit of such property or to appropriate the same to his own use or the use of any person other than the true owner is guilty of wrongful appropriation.

Section 103. Any subject person who, while on active state service and with intent to steal, takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or the person or property of a relative or member of his family or of anyone in his company at the time of the taking, is guilty of robbery.

Section 104. Any subject person who, with intent to defraud, falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or utters, offers, issues, or transfers such a writing, known by him to be so made or altered, is guilty of forgery.

Section 105. Any subject person who, while on active state duty and with intent to injure, disfigure, or disable, inflicts upon the person of another an injury which seriously disfigures his person by any mutilation thereof, destroys or disables any member or organ of his body, or seriously diminishes his physical vigor by the injury of any member or organ, is guilty of maiming.

Section 106. Any subject person who, while on active state duty, engages in unnatural carnal copulation with another person of the same or opposite sex, or with an animal, is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

Section 107. (1) Any subject person who, while on active state service, willfully and maliciously burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being, is guilty of aggravated arson.

(2) Any subject person who, while on active state service, willfully and maliciously burns or sets fire to the property of another, except as provided in subdivision (1), is guilty of simple arson.

Section 108. Any subject person who, while on active state service, communicates threats to another person with the intention thereby to obtain anything of value, or any acquittance, advantage, or immunity of any description, is guilty of extortion.

Section 109. (1) Any subject person who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault.

(2) Any subject person who commits an assault with a dangerous weapon or other means of force likely to produce death or grievous bodily harm, or commits an assault and intentionally inflicts grievous bodily harm with or without a weapon, is guilty of aggravated assault.

Section 110. Any subject person who, while on active state service and with intent to commit an offense punishable under sections 99, 100, 101, 103, 105, 106, 107, 109, inclusive, breaks

and enters, in the nighttime, the dwelling house of another, is guilty of burglary.

Section 111. Any subject person who, while on active state service, unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of housebreaking.

Section 112. Any subject person charged with any of the following offenses shall be turned over to the appropriate civil authorities of the United States or Commonwealth for trial and punishment:

(1) Knowing it to be false or fraudulent, makes any claim against the United States, the state or any officer thereof, or presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, the state or any officer thereof.

(2) For the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state or any officer thereof,

(a) Makes or uses any writing or other paper knowing the same to contain any false or fraudulent statements;

(b) Makes any oath to any fact or to any writing or other paper knowing such oath to be false; or

(c) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing the same to be forged or counterfeited.

(3) Having charge, possession, custody, or control of any money or other property of the United States, or the state, furnished or intended for the Armed Forces of the United States or the organized militia, knowingly delivers to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt.

(4) Being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the Armed Forces of the United States or the organized militia, makes or delivers to any person such writing without having full knowledge of the truth of the state-

ments therein contained and with intent to defraud the United States or the state.

Section 113. Any subject person charged with any of the offenses prescribed in sections 99 to 111, inclusive, shall be turned over to the appropriate civil authorities of the Commonwealth for trial and punishment.

Section 114. This Act shall become effective July 1, 1954.

By Mr. Lowman and Mr. Lambert.

H. B. No. 76. AN ACT relating to the execution and operation of a Southeastern Interstate Forest Fire Protection Compact.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor, on behalf of the Commonwealth of Kentucky, is hereby authorized to execute a compact in substantially the following form, with any one or more of the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, and the General Assembly hereby signifies in advance its approval and ratification of such compact:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I

The purpose of this compact is to promote effective prevention and control of forest fires in the Southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

Article II

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states

of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

Article III

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the Governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan

with the regional forest fire plan formulated by the compact administrators.

Article IV

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V

Whenever the forces of any member states are rendering outside aid pursuant to the request of another member state under this compact, the employes of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employes of the state to which they are rendering aid.

No member state or its officers or employes rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employes and maintenance of equipment incurred

in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employes and the representatives of deceased employes in case employes sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employe shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

Article VI

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

Article VII

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the

United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state, as the law of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

Section 2. When the Governor shall have executed a compact, as authorized by Section 1 of this Act, on behalf of the Commonwealth of Kentucky and shall have caused a verified copy thereof to be filed with the Secretary of State, and when said compact shall have been ratified by one or more of the states named in Section 1 of this Act, then said compact shall become operative and effective as between the Commonwealth of Kentucky and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between the Commonwealth of Kentucky and any other state ratifying said compact.

Section 3. The General Assembly hereby gives its assent to the mutual aid provisions of Articles IV and V of the South Central Interstate Forest Fire Protection Compact in accordance with Article VIII of that compact relating to inter-regional mutual aid; and the General Assembly also hereby gives its

assent to the mutual aid provisions of Articles IV and V of the Middle Atlantic Interstate Forest Fire Protection Compact in accordance with Article VIII of that compact relating to interregional mutual aid.

Section 4. The Director of the Division of Forestry of the Department of Conservation shall be the compact administrator representing the Commonwealth of Kentucky as provided for in Article III of the compact approved by Section 1 of this Act. The Division of Forestry is hereby authorized to do any and all things required to make effective the provisions of the compact.

By Mr. Lowman, Mr. Burnley, Mr. Wathen and Mr. Fitzpatrick.

H. B. No. 77. AN ACT relating to the expenses of election, and amending Section 118.450 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The printing and delivery of ballots and cards of instruction to voters shall, in city elections, be paid for by the city. In all other elections, the printing of the ballots and cards of instruction for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the county.

(2) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law.

(3) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to the Department of

Finance. Upon receipt of such certification and upon being satisfied as to the correctness thereof, the Department of Finance shall issue its warrant upon the State Treasurer in favor of the county treasurer as follows:

(a) For seventy-five percent of the amount of such expenses but not exceeding, in any event, an amount equal to thirty-five dollars for each precinct in the county voting by the use of voting machines;

(b) For fifty percent of the amount of such expenses but not exceeding, in any event, an amount equal to twenty dollars for each precinct in the county not voting by the use of voting machines.

(4) All sums paid under subsection (3) of this section shall be in addition to any sum paid by the state for ballot paper in elections.

By Mr. Lowman, Mr. Fitzpatrick, Mr. Burnley, and Mr. Wathen.

H. B. No. 78. AN ACT relating to voting machines; authorizing the State Property and Buildings Commission to provide voting machines for any and all of the counties of the Commonwealth at the expense of said counties; authorizing payment therefor by said counties through the issuance of Revenue Bonds by the State Property and Buildings Commission; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commission" means the State Property and Buildings Commission, or, if said commission shall be abolished, the department, board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act shall be given by law;

(2) "Project", or the words, "Voting machine Project", mean a public project as defined in KRS Chapter 58;

(3) "Cost" means the cost of purchase of voting machines, the cost of freight and transportation, the cost of insurance on said voting machines, the cost of preparing, issuing, selling or exchanging revenue bonds as provided for in this Act, and shall further embrace and include all expenses, including legal fees, in connection therewith;

(4) "Bonds", or the words, "Voting machine revenue bonds", mean Commonwealth of Kentucky, State Property and Buildings Commission, voting machine revenue bonds.

Section 2. In order to facilitate the use of voting machines in this Commonwealth, to eliminate the antiquated manner in which elections are now conducted, and to provide a public project for this purpose; to provide a plan for the purchase and use of modern voting machines in all counties desiring to use or purchase same under the plan herein set out; and to provide a way for the counties to purchase said machines under a rent-purchase contract, so that they will be available for use while being paid for by said counties, the State Property and Buildings Commission is hereby authorized and empowered to purchase voting machines meeting all the specifications and requirements of KRS Chapter 125, for any counties which contract for same as provided for in this Act; and the commission is authorized to issue its revenue bonds payable solely from revenue to finance such project.

Section 3. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof, nor a pledge of the credit of the Commonwealth or of any political subdivision thereof; but such bonds shall be payable solely from funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that the Commonwealth shall not be obligated to pay the same, or the interest thereon, except from revenues of the project or projects for which they are issued; and that neither the credit nor the taxing power of the Commonwealth is pledged to the payment of the principal of, or the interest on, such bonds.

Section 4. The commission is hereby authorized and em-empowered: (1) To advertise for and receive proposals for the purchase of voting machines in sufficient number to supply the needs of all counties. The commission shall not purchase any voting machines for the use of any county until the county has contracted with said commission for the rental and purchase of said voting machines as provided for herein.

(2) All funds received by the commission under the terms of the rent-purchase contracts shall be placed in a sinking fund, and shall not be used for any purpose except to pay the cost of the public project, and for the payment of the principal of and the interest on revenue bonds as provided for in this Act.

(3) To issue voting machine revenue bonds of the Commonwealth of Kentucky, payable solely from the revenues pledged for their payment. The revenue bonds issued by the com mission can be issued, sold or exchanged as provided for in this Act, or as provided for in KRS Chapters 56 and 58. The commission is empowered to use any provision contained in the above-mentioned Chapters or in this Act, separately, or a combination thereof.

Section 5. (1) Any contract entered into between a county and the commission for the rent-purchase of voting machines shall contain a provision that after sufficient rental has been paid to defray all the costs of the project, and to pay the principal of and the interest upon revenue bonds as herein provided, the title to said voting machines ahll be transferred to the county.

(2) Any such contract shall further provide that the yearly rental will be sufficient to pay all costs of the project, including the principal of and interest on revenue bonds, so that the entire cost shall be at the expense of the county.

Section 6. Whereas, it will require considerable time to acquire and place voting machines in the counties desiring to use same, and whereas, under other provisions of law, the intention to use said voting machines in precincts in said counties must be advertised for at least sixty days; and whereas, it is desirable that said voting machines be used in counties desiring the use of same for the primary election to be held in August of

the year 1954, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

By Mr. Melton.

H. B. No. 79. AN ACT relating to pensions on retirement, and amending subsection (2) of Section 95.560 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 95.560 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) In cities of the third class, the pensions or benefits paid from pension funds on retirement shall be as follows:

(a) Any member of the police or fire department having served twenty years or longer consecutively in the police or fire department may petition the board of trustees for retirement, and if his petition is granted the board may order paid to him monthly fifty percent of his monthly salary at the time of retirement.

(b) Any member having served ten years or longer in the police or fire department and having reached sixty years of age, who has become totally and permanently disabled so as to render him unfit for service in the department, may on proof of his disability, petition the board of trustees for retirement, and upon a showing that he is reasonably entitled to retirement the board may order paid to him monthly twenty-five percent of his monthly salary at the time of retirement.

(c) Any member having served fifteen years or longer consecutively in the police or fire department and having reached sixty-five years of age may petition the board of trustees for retirement, and upon it being established that he is reasonably entitled to retirement the board shall order paid to him monthly thirty-seven and one-half percent of his monthly salary at the time of retirement.

(d) The fact that a member of the police or fire department was fifty years of age or over at the time of his appointment to the department shall not disqualify him from receiving the benefits of the pension fund set out in this Act, provided that he has been qualified under civil service as a member of the department and has contributed to the pension fund.

By Mr. Bleemel.

H. B. No. 80. AN ACT relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(4) Flashing lights are prohibited on all motor vehicles except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles and wreckers; nor to telephone repair vehicles at the scene of an emergency repair job.

By Mr. Bridgers.

H. B. No. 81. AN ACT relating to statutory liens, amending sections 376.270 and 376.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.270 of the Kentucky Revised Statutes is amended to read as follows:

Any person engaged in the business of selling, repairing or furnishing accessories or supplies for motor vehicles or construction equipment shall have a lien on the motor vehicle or construction equipment for the reasonable or agreed charges for repairs, work done or accessories or supplies furnished for the vehicle or equipment, and for storing or keeping the vehicle or

equipment, and may detain any motor vehicle or construction equipment in his possession on which work has been done by him until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the motor vehicle or construction equipment from the garage or premises of the person performing labor, repairing or furnishing accessories or supplies therefor, if the lien shall be asserted within six months by filing in the office of the county clerk a statement showing the amount and cost of materials furnished or labor performed on the vehicle or equipment. The statement shall be filed in the same manner as provided in the case of a mechanic's and materialman's lien, after the removal of the vehicle or equipment, unless the owner of the vehicle or equipment consents to an additional extension of time, in which event the lien shall extend for the length of time the parties agree upon. The agreement shall be reduced to writing and signed by the parties thereto.

Section 376.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any boat, motor vehicle, or construction equipment remaining in the possession of a person who has made repairs, performed labor or furnished accessories or supplies therefor and to whom the charges for such repairs, labor, accessories or supplies has been owing for a period of more than thirty days, may be sold to pay such deferred purchase money or charges. The proposed sale shall be advertised at least three times in some newspaper of general circulation in the city or county where the original sale was effected or where the materials were furnished or where the labor was performed, the last such advertisement to be made at least six days before the sale is held, and notice thereof shall be sent by registered mail to the owner of the boat, motor vehicle, or construction equipment and to any other person known to have any interest therein, addressed to such persons at their last known addresses, at least ten days before the sale is held.

(2) The term "boat", as used in subsection (1) of this section, means any watercraft not enumerated in subsection (1) of KRS 376.360 and sloops having an overall length of forty feet or less.

By Mr. Morgan.

H. B. No. 82. AN ACT relating to the obtaining of credit for merchants.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any merchant in this state, before extending credit to any person applying for same, may require such person to sign, in presence of two witnesses, a credit statement containing such information as is reasonably required to determine the credit rating of the person.

Section 2. Any person who makes a false statement in any credit statement executed under Section 1 of this Act shall be deemed guilty of obtaining property under false pretenses, and shall be confined in the county jail for not more than six months or fined not more than five hundred dollars, or both.

By Mr. McCallum, Mr. Billington, Mr. McClanahan, Mr. Clay, Mr. Melton, Mr. Lovelace, Mr. Weintraub, Mr. Breathitt, Mrs. Stovall, Mr. Harris, Mr. Young, Mr. Edmonds, and Mr. Banton.

H. B. No. 83. AN ACT relating to contracts and separate estate of married women, and amending Section 404.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 404.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

(2) After the effective date of this Act a married woman may make a contract to answer for the debt, default or misdoing of another, including her husband, and her estate shall be subjected to the payment or satisfaction of such liability, so contracted for, provided, however, no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability upon such a contract made after marriage and before the effective date of this Act unless the estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such debts and responsibilities contracted after marriage, except as provided in Chapters 404 and 392 of the Kentucky Revised Statutes.

By Mr. Ockerman.

H. B. No. 84. AN ACT relating to Mechanics' and Materialmen's Liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person engaged in the business of selling, repairing, or furnishing accessories, or supplies for any kind of equipment or machinery, including motors, shall have a lien on the equipment, machine, machinery, or motor, for the reasonable or agreed charges for repairs, work done, accessories, parts, and supplies furnished for the equipment, machine, machinery, or motor until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the equipment, machine, machinery or motor from the premises of the person performing labor, repairing, or furnishing accessories, parts or supplies therefor, if the lien shall be asserted within three months by filing in the office of the County Clerk a statement showing the amount and cost of materials furnished or labor performed on the equipment, machine, machinery, or motor. This statement shall be filed in the office of the County Court Clerk of the county in which the owner of the equipment, machine, machinery, or motor resides, unless such owner be a non-resident, in which event the lien statement shall be filed in the office of the County

Court Clerk of the county in which such equipment, machine, machinery, or motor is at the time being kept or used.

The lien provided for in this Act shall attach regardless of whether or not the equipment, machine, machinery, motor, or motors, are ever upon the premises of or in the possession of the person making the repairs, furnishing the parts, or the supplies for such repairs.

Section 2. The lien statement referred to in Section 1 of this Act shall be construed to mean a statement in writing in which is stated the amount due the claimant, with all just credits and set-offs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it and the name of the owner. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

The County Court Clerk shall endorse upon each statement the date of its filing, and shall make an abstract of the statement in a book to be kept by him for that purpose, properly endorsed and indexed, containing the date of filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the lien. The Clerk shall receive one dollar ($1) from the person filing the statement as full compensation, which shall be taxed and collected as other costs.

Section 3. The lien shall not take precedence over a mortgage or bona fide sale and delivery for value without notice, unless the person claiming the prior lien shall, before the recording of the mortgage, or before sale and delivery, file in the office of the Clerk of the County Court a statement showing that he has furnished or expects to furnish labor, or materials, or parts, or supplies, and the amount in full thereof. The lien shall not, as against the holder of a mortgage, or a purchaser for value, exceed the amount of the lien claimed, as set forth in the statement. The statement shall in all other respects be in the form hereinabove in this Act provided.

Section 4. Any equipment, machine, machinery, motor or motors remaining in the possession of a person who has made

repairs, furnished parts, performed labor, or furnished accessories or supplies for the equipment, machine, machinery, motor, or motors, for more than thirty (30) days, may be sold to pay the charges. The proposed sale shall be advertised for at least three times in three separate weeks before the sale is made, in some newspaper of general circulation in the city or county where the materials, etc., were furnished or the labor performed. The owner of the equipment, machine, machinery, motor or motors, shall be served with written notice of such proposed sale at least two weeks before the date of such sale. The notice may be in writing addressed to the owner at his last known address and sent by registered United States mail, postage prepaid. Such written notice may be served upon the owner in any other mode generally recognized by the laws and practice before courts in this state.

By Mr. Ockerman.

H. B. No. 85. AN ACT relating to statutory liens; and, amending section 376.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city the person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor from the owner of the property improved. The lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.

Section II. Section 376.200 of the Kentucky Revised Statutes hereby is amended by repealing said section in its entirety and enacting in lieu thereof the following:

As used in Kentucky Revised Statutes 376.210 to 376.260 inclusive, unless the context requires otherwise:

(1) "Labor" shall include all work done by teams, trucks, machinery, and mechanical equipment, whether the owner furnishes a driver or operator or not, but it shall not include labor performed by any officer, superintendent or stockholder of any corporation even though he may perform manual labor on the public work;

(2) "Materials" shall include all materials of every kind or character used in the public improvement which shall remain as a part of the completed improvement, and all the materials substantially consumed or the value thereof substantially destroyed in making the public improvement, including explosives, gasoline, oil, grease, form lumber and other similar articles; and,

(3) "Supplies" shall include small tools and equipment reasonably necessary in performing the work required to be done, including picks, shovels, sledge hammers, axes, pulleys, wire cables, ropes, and other similar items costing not more than $50.00 per item, and tires and tubes furnished for use on vehicles engaged in the performance of the work. "Supplies" shall also include the cost of labor, materials and repair part supplied or furnished for keeping all machinery and equipment used in the performance of the work in good operating condition; and, shall include the agreed or reasonable rental price of equipment and machinery used in performing the work to be done.

Section III. The liens provided for in this Act shall be asserted, filed and enforced pursuant to and in compliance with the provisions of sections 376.210 to 376.260 both inclusive of the Kentucky Revised Statutes.

Section IV. All acts and parts of acts in conflict herewith to the extent of such conflict hereby are repealed.

By Mr. Ockerman.

H. B. No. 86. AN ACT relating to meetings of board of commissioners in cities of the second, third and fourth classes having city manager form of government, and amending Section 89.550 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 89.550 of the Kentucky Revised Statutes is amended to read as follows:

The board of commissioners shall meet at least once a month for the transaction of business. It shall fix by ordinance the time of holding its regular meetings. A special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

By Mr. Holsclaw.

H. B. No. 87. AN ACT relating to deputy constables and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies.

(2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county court entered after filing of a written direction by the constable.

(3) Each deputy constable shall be compensated for his

services by salary fixed by the fiscal court and paid out of the county levy.

Section 2. Whereas, if it is deemed necessary to authorize an increase in the compensation of deputy constables in counties containing a first or second class city, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Peniston.

H. B. No. 88. AN ACT relating to the organization and powers of water districts, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) All or any part of an incorporated city may be included in the boundaries of any existing water district or water district being newly organized, provided the governing body of such city by resolution or ordinance gives, or has given, its consent.

(2) The commission may contract with any city which is not included in the boundaries of the district for the purpose of furnishing water or gas to the residents of such city and may contract with any city for the purpose of obtaining water or gas for the use of the district. The assignment to the commission or to the water district of any valid outstanding franchise for the distribution of water or natural, artificial, or mixed gas to the residents of any city shall constitute a contract with the city within the meaning of this section.

Section 2. Whereas, it is imperative that contracts be made immediately to prevent future shortages of water and gas throughout the Commonwealth, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Clay.

H. B. No. 89. AN ACT relating to the contest of primary and regular elections, to the recount of votes therein, and to fixing the bond therefor, amending Sections 122.060 and 122.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 122.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any candidate who was voted for at a primary election held under KRS 119.010 to 119.990 may request a recount of the ballots by filing a petition so requesting, with the same court with which contest petitions are required to be filed, within fifteen days after the day of the primary election, or, if such candidate is qualified to bring a contest proceeding under KRS 122.020, by including a request for a recount in his petition instituting the contest proceedings. Any such candidate who is seeking nomination for a state at large office or an office in a district containing more than one county may designate one or any number of the counties in said state or district as those in which he requests a recount. Any candidate who is a contestee in a contest proceeding under KRS 122.020, or against whom a recount petition has been filed under this section, may request, in his answer filed in the contest or recount proceedings, a recount of one or any number of the counties in the state or in the district in which he is a candidate, but in such case the answer must be filed within five days after service of process on the petition. When a request for a recount is made, the election commissioners whose duty it is to issue certificates shall be made parties defendant. Any party requesting a recount must execute bond with approved surety for the costs of the recount requested, but in case a candidate requests a recount in some but not all of the counties in his district or in the state at large he shall not be required to post bond more than sufficient to pay the costs of a recount in the counties in which he has requested it. Upon bond being filed, the clerk shall immediately

notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceedings. On the day fixed, the court or the judge in vacation shall proceed to recount the ballots in all counties in which a recount has been requested, if their integrity is satisfactorily shown, and shall accept the certified returns from all counties in which a recount has not been requested. He shall complete the recount as soon as practicable, and file and enter of record the results therof, and direct the election commissioners whose duty it is to issue certificates to issue the same to the party entitled thereto as shown by the recount.

(2) Either party may appeal from the judgment to the Court of Appeals by executing supersedeas bond, as required in other civil cases, before the clerk of the circuit court, and by filing the original papers and transcript of the orders in the Court of Appeals within ten days after the entering of the judgment. On the filing of the appeal in the office of the Clerk of the Court of Appeals, the clerk shall immediately deliver the papers to the Chief Justice, and the court shall proceed immediately to the hearing thereof and complete it as soon as practicable. If the Court of Appeals is in vacation at the time of filing the appeal, the Chief Justice shall call together the judges of the court or a majority thereof, who shall hear and determine the appeal in the same manner and with the same effect as if heard and tried by the court in regular session.

(3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the circuit court or in the Court of Appeals. The action of the courts shall be final, concluding the parties as to the question of a recount of the ballots, and certificates shall then be issued to the parties entitled thereto.

Section 2. Section 122.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any candidate who was voted for at a regular election for any of the offices mentioned in KRS 122.070 may request a recount of the ballots in one or any number of the counties in the state or in the district in which he is a candidate by filing a petition so requesting with the same court with which petitions of contest are required to be filed, within ten days after the day of the election, or by including a request for a recount in one or any number of counties in a petition instituting contest proceedings under KRS 122.070, but in the latter case the petition must be filed within ten days after the day of the election. Any candidate who is a contestee in a contest proceeding under KRS 122.070, or against whom a petition for a recount has been filed under this section, may request recount, of one or any number of the counties in the state or district in which he is a candidate, in his answer filed in the contest or recount proceedings, but in such case the answer must be filed within five days after service of process on the petition. If a request for a recount is made, the election commissioners whose duty it is to issue certificates of election shall be made parties defendant. Any party requesting a recount must execute bond with approved surety for the costs of the recount in those counties in which he has requested it, in an amount to be fixed by the circuit judge. Upon bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed the court or judge in vacation shall proceed to recount the ballots of all counties in which a recount has been requested, if their integrity has been satisfactorily shown, and shall accept the certified returns from all counties in which no recount has been requested. He shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

(2) Either party may appeal from the judgement to the Court of Appeals by executing supersedeas bond, as required in other civil cases, before the clerk of the circuit court, and by filing the original papers and transcript of the orders in the Court of Appeals within ten days after the entering of the judgment. On the filing of the appeal in the office of the Clerk of the Court of Appeals, the clerk shall immediately deliver the papers to the Chief Justice, and the court shall proceed immediately to the hearing thereof and complete it as soon as practicable. If the Court of Appeals is in vacation at the time of filing the appeal, the Chief Justice shall call together the judges of the court or a majority thereof, who shall hear and determine the appeal in the same manner and with the same effect as if heard and tried by the court in regular session.

(3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the circuit court or in the Court of Appeals. The action of the courts shall be final, concluding the parties as to the question of a recount of the ballots, and certificates shall then be issued to the parties entitled thereto.

By Mr. Clay, Mr. McCallum, Mr. Billington, Mr. Lovelace, Mr. Breathitt, Mr. Harris and Mr. Morgan.

H. B. No. 90. AN ACT relating to agricultural Experimentation, and amending Section 247.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The College of Agriculture of the University of Kentucky, shall constitute the Agricultural Experiment Station.

(2) The experiment station shall operate and direct the substations at Quicksand and Princeton which shall be divisions of the experiment station.

(3) The experiment station may purchase, lease or accept gifts of farms for use in its experimentation program.

Section 2. On experimental farms acquired under the provisions of subsection (3) of KRS 247.020 the Agricultural Experiment Station shall conduct experimentation and demonstrations in the interest of agriculture, horticulture and forestry and the development thereof in the Commonwealth. In addition to the purposes set out in KRS 247.030 experimental farms shall be used to determine the phases of horticulture, forestry and agriculture, including grasslands, hay crops and rotation thereof, and animal husbandry best suited to particular soil belts and areas of the state.

By Mr. Montgomery.

H. B. No. 91. AN ACT relating to the creation of an independent state agency to be known as the Kentucky Commission on Alcoholism, and the establishment of a state-wide program for the treatment and rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning this disorder.

This bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this Act is to establish a statewide program for the rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning the problem of alcoholism.

Section 2. (1) For the purpose of carrying out the provisions of this Act, there is hereby created a Commission to be hereafter known as the Kentucky Commission on Alcoholism. The Commission shall constitute an agency independent of the administrative department provided for in Chapter 12 of the Kentucky Revised Statutes.

(2) The Commission shall consist of seven members with an interest in and knowledge of the alcoholism problem, said members to be appointed by the Governor. At least two of the seven members shall be doctors, and one of the doctors shall be

a psychiatrist. Three members shall be appointed for a term of one year, two members shall be appointed for a term of two years and two members shall be appointed for a term of three years. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill any existing vacancies.

(3) The duties of the Commission shall be to study the problems of alcoholism within the state, to formulate and carry out programs of education designed to curb the excessive use of alcohol and reduce the number of inebriates, to establish such facilities and employ such personnel as are necessary and available for the diagnosis and rehabilitation of inebriates, to accept for examination, diagnosis, guidance and treatment, insofar as funds permit, any person coming to it of his own volition for advice and guidance.

(4) Members of the Commission shall be reimbursed at the rate of twenty-five dollars per diem plus necessary expenses for each meeting attended during each year, said compensation and expenses not to be paid for meetings exceeding ten in number in any one year.

(5) A chairman and a vice-chairman of the Commission shall be elected at the first meeting and every year thereafter. The Commission shall keep a complete and accurate record of all its proceedings.

Section 3. The Commission shall appoint with the approval of the Governor an Executive Director who shall serve for a term of four years and until his successor is appointed and has qualified; subject to removal at any time at the discretion of the Commission. The Commission shall fix the salary of the Executive Director, within the limits of the appropriations made to the Commission.

Section 4. The Commission shall be empowered to contract for space and facilities to be used for out-patient clinics, and to contract with hospitals and private doctors for the emergency hospitalization and care of chronic alcoholics. The Commission shall employ such medical, psychiatric, psychological secretarial and other assistance as may be necessary to carry out the provisions of this Act.

Section 5. The Commission shall be empowered to accept gifts, bequests, contributions and patient fees at its discretion. Such moneys shall go into a trust and agency fund to be used in furthering the work of the Commission.

Section 6. The Commission shall be authorized to establish rules and regulations for the admission of patients to its facilities and to set fees for treatment. Fees shall be scaled according to the ability of the patient to pay.

Section 7. The State Property and Buildings Commission shall furnish adequate office and clinical space to the Kentucky Commission on Alcoholism when so requested in accordance with Chapter 56 of the Kentucky Revised Statutes.

Section 8. There is hereby appropriated the sum of $50,000 for the 1954-1955 fiscal year, without lapse in that year, and the sum of $100,000 for the 1955-1956 fiscal year to the Kentucky Commission on Alcoholism for the purpose of enabling the Commission to establish a state-wide program for the treatment and rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning this disorder.

H. B. No. 92. AN ACT providing for fair trade minimum mark-up prices for the sale of malt beverages by retailers for consumption off the premises, and providing for enforcement through injunctive processes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order that fair trade practices may be observed in the retail sale of malt beverages, it is hereby provided that no holder of a malt beverage retailer's license may sell or offer to sell any malt beverage at retail, in the ordinary course of trade, for consumption off the licensed premises, at prices less than twenty-five per cent above the cost of such malt beverage to the retailer, which cost shall be deemed to consist of the actual price paid by the retailer to the brewer or distributor, inclusive of bottling charges and all other charges paid to the brewer or distributor, plus taxes and transportation charges.

Section 2. Any person who offers for sale or sells any malt beverage at less than the price required by Section 1 of this Act may be injoined from further violations on application to the circuit court by any law enforcement officer or aggrieved person.

By Mrs. Stovall, Mr. Reynolds and Mr. Weintraub.

H. B. No. 93. AN ACT relating to the determination of wages for persons employed on public works and amending Section 337.520 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 337.520 of the Kentucky Revised Statutes is hereby amended to read as follows:

The wages paid for a legal day's work to laborers, workmen, mechanics, helpers, assistants and apprentices upon public works shall not be less than the prevailing wages paid in the same trade or occupation in the locality. The public authority shall establish prevailing wages at the same rate that prevails in the locality under collective agreements or understandings between bona fide organizations of labor and their employes at the date the contract for public works is made if there are such agreements or understandings in the locality applying to a sufficient number of employes to furnish a reasonable basis for considering those rates to be the prevailing rates in the locality. If contracts are not awarded within one hundred-twenty days from the date of the establishment of the prevailing rate of wages, as provided in KRS 337.510, there shall be a redetermination of the prevailing rate of wages before the contract is awarded and the schedule or scale of prevailing wages shall be incorporated in and made a part of each contract.

By Mr. McCallum.

H. Res. No. 19. A JOINT RESOLUTION expressing support of the Tennessee Valley Authority.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth of Kentucky has derived, and will continue to derive, many benefits from the operation of the T V A, including a three million dollar annual saving to the residents of twenty-five counties in the Commonwealth of Kentucky who use electricity furnished by the T V A to local distribution systems; and

WHEREAS, the T V A annually purchases millions of tons of Kentucky coal for use in its steam plants; and

WHEREAS, the Commonwealth of Kentucky benefits from the navigation, flood control, resource development and recreational programs of the T V A; and

WHEREAS, the area served by the T V A is in urgent need of additional electric power for atomic energy and national security purposes as well as domestic purposes, and for new generating facilities to produce the needed power; and

WHEREAS, the funds invested in the T V A represent a sound investment because it is repaid with interest over a forty year period; and

WHEREAS, the people of the area served by the T V A own forty percent of the total investment in the T V A power system through their ownership of local distribution systems, and that investment should not be jeopardized by short-sighted budgetary treatment of the T V A; and

WHEREAS, the admirable reputation of the T V A for accurate forecasts of future power requirements, for honest and practical budget requests, for effective cooperation with state and local agencies, and for great achievement in fostering the progress and prosperity of a region which was once far between the economic standard of the nation, is now being besmirched by false accusations; and

WHEREAS, the T V A, because of its strategic location in the region which it serves and its responsibility to the people of that region for its success, is a dramatic example of effective decentralization of public management;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the President and the Congress of the United States be and they are hereby memorialized and urged to give their most serious consideration to the requests for appropriations which will enable the T V A to continue to serve the region with the same high degree of efficiency.

That the President of the United States, be urged in his Budget Message to Congress, to provide adequate funds for the T V A, and that the President make it clear that the funds for power development will be repaid with interest and that the funds for other statutory programs represent a profitable investment in the nation's future.

That the President and the Congress of the United States be urged by the Congressional delegation from Kentucky to support the T V A as an outstanding example of a unified, carefully integrated program of conservation and resource development, and

That copies of this Resolution be forwarded to the President and Vice-President of the United States, the Speaker of the U. S. House of Representatives and to the Chairman of the U. S. Senate and U. S. House of Representative Committees on Appropriation.

By Mr. Caudill and Mr. Ockerman.

H. Res. No. 20. A JOINT RESOLUTION authorizing Eugene Patterson, of Lexington, Fayette County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

Said resolution is as follows, viz:

Whereas, on the 30th day of November, 1953, while Eugene Patterson was operating a motor vehicle upon Brooklyn Bridge which spans Kentucky River between Mercer and Jessamine Counties, on Highway U. S. Number 68, said bridge collapsed and fell with the result that the said Eugene Patterson was severely and permanently injured and damaged in the total sum of

Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents, and,

Where, it appears that the Commonwealth of Kentucky and the Department of Highways, or either, acting by and through their agents, servants and employees, may be responsible for said damages.

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Eugene Patterson, of Lexington, Fayette county, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Mercer Circuit Court for damages to his person resulting from the falling of said Brooklyn Bridge and caused by the negligence on the part of the Commonwealth of Kentucky and the Department of Highways, or either, acting through their agents, servants and employees, who were then acting within the scope of their authority.

2. That said action shall be for a sum not in excess of Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if in his opinion such settlement is for the best interest of the Commonwealth of Kentucky and the Department of Highways. Any sum recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the

part of the Commonwealth of Kentucky or the Department of Highways, or either, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

By Mr. Sanders and Mr. Peniston.

H. Res. No. 21. A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr., of Boyle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret M. Hoppe and Carl Hoppe, Jr. be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining Kentucky State Highway Number 33 in Boyle County, Kentucky.

Section 2. Said suit on behalf of Margaret M. Hoppe shall be for a sum not in excess of twenty-five thousand dollars, and said suit on behalf of Carl Hoppe, Jr., shall be for a sum not in excess of one thousand five hundred and forty dollars.

Section 3. That the action herein authorized and permitted may be brought in Boyle Circuit Court, same being the Circuit Court having jurisdiction in Boyle County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Boyle Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent

and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways thereof, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body of the following title, viz:

S. B. No. 22. AN ACT changing the classification of the City of Fort Wright, in Kentucky County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Fort Wright, in Kenton County, is such as to justify its being assigned to the fifth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Fort Wright, in Kenton County, is changed from the sixth class to the fifth class of cities.

Said bill was ordered to be printed and referred.

CALENDAR

The House took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 35. AN ACT relating to members of city council and city officers in cities of the fourth class, and amending sub-

section (1) of Section 85.050 of the Kentucky Revised Statutes and Section 86.230 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bill be read for the second time by its title only.

Said motion was agreed to.

Ordered that said bill be placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 25. AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development and operation of an interstate park to be known as The Breaks Interstate Park.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Governor is hereby authorized and directed to execute, on behalf of the Commonwealth of Kentucky, the following compact with the Commonwealth of Virginia, which is hereby approved, ratified and enacted into law:

BREAKS INTERSTATE PARK COMPACT

Pursuant to authority granted by an Act of the 83rd Congress of the United States, being Public Law 275, approved August 14, 1953, the Commonwealth of Kentucky and the Commonwealth of Virginia do hereby covenant and agree as follows:

Article I.

The Commonwealth of Kentucky and the Commonwealth of Virginia agree to create, develop and operate an interstate park to be known as The Breaks Interstate Park, which shall be located along the Russell Fork of the Levisa Fork of the Big Sandy River and on adjacent areas in Pike county, Kentucky, and Dickenson and Buchanan counties, Virginia. Said park shall be

of such area and of such character as may be determined by the commission created by this Compact.

Article II.

There is hereby created The Breaks Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Kentucky and Virginia. The commission shall consist of three commissioners from each of the two states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the Governor. Vacancies shall be filled by the Governor for the unexpired term. The term of one of the first commissioners appointed shall be for two years, the term of another for three years, and the term of the third for four years. Their successors shall be appointed for terms of four years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the state, a political subdivision or the United States government may be appointed a commissioner under this act.

Article III.

The commission created herein shall be a joint corporate instrumentality of both the Commonwealth of Kentucky and the Commnowealth of Virginia for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable by-laws, rules and regulations. The commission shall have the authority to acquire by gift, purchase or otherwise real estate and other property, and to dispose of such real estate and other property. Each Commonwealth agrees that it will exercise the right of eminent domain to acquire property located within each Commonwealth required by the Commission to effectuate the purposes of this Compact.

Article IV.

The commission shall select from among its members a chairman and a vice-chairman, and may select from among its

members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employes as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compenation, but shall be paid their expenes incurred in and incident to the preformance of their duties. They shall take the oath of office required of officers of their respective states.

Article V.

Each Commonwealth agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representatives of the two Commonwealths as may be duly constituted for that purpose.. The commission shall submit annually and at other times as required such reports as may be required by the laws of each Commonwealth or by the Governor thereof.

Article VI.

The cost of acquiring land and other property required in the development and operation of The Breaks Interstate Park and constructing, maintaining and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The

commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to precedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

Article VII.

All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance and operation of the Park or for other Park purposes.

The commission shall not pledge the credit of either Commonwealth except by and with the authority of the General Assembly thereof.

Article VIII.

1. This compact may be amended from time to time by the concurrent action of the two Commonwealths parties hereto.

2. All governmental agencies of the Commonwealth of Kentucky are authorized to cooperate with The Breaks Interstate Park Commission created by the Compact approved by this act, it being the policy of this Commonwealth to perform and carry out the Compact and to accomplish the purposes thereof.

The State Property and Buildings Commission is authorized to make appropriations to The Breaks Interstate Park Commission for the same purposes it is authorized to make expenditures for other state agencies. The State Property and Buildings Commission is authorized to exercise the right of eminent domain on behalf of the Commonwealth of Kentucky in acquiring land or other property required in the establishment or enlargement of The Breaks Interstate Park.

3. The Compact approved herein shall become effective upon ratification and approval of the Compact by the General Assembly of the Commonwealth of Virginia and upon approval of this Compact by the Congress of the United States.

4. Whereas the House of Delegates of the Commonwealth of Virginia and the Congress of the United States are now in

session and action by them on this compact is required in the near future to make this act effective, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Mr. Edmonds moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harry M. Caudill	Thomas P. Fitzpatrick
Walter J. Bailey	Cassius M. Clay	Cabell D. Francis
John Rhea Banton	Paul Cobb	W. L. Hadden
Clarence J. Barnum	R. Josh Cosby	C. Ruby Harralson
Wallace Bartley	Vernor O. Cottengim	George F. Harris
Owen Billington	Charles W. Craig	Harold G. Helm
Leo A. Bleemel	W. Marvin Davis	Henry R. Heyburn
J. C. Bradley	John L. Day	Lon C. Hill
Edward T. Breathitt, Jr.	Albert Dempsey	Estill R. Hilton
Edward O. Bridgers	C. E. Dowell	Varna Holt
Charles W. Buchanan	O. O. Duncan	William M. Horn
	Harold Edmonds	William L. Jones
	Addison L. Everett	Jennings H. Kearby
	Herbert Fern	

George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that consideration on H. B. No. 22 be passed and that it retain its place in the Orders of the Day.

Said motion agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 9. AN ACT changing the classification of the City of Junction City, in Boyle County.

Said bill is as follows, Viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the pupulation of the City of Junction City, in Boyle County, is such as to justify its being assigned to the fifth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Junction City, in Boyle County, is changed from the sixth to the fifth class of cities.

Mr. Sanders moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	Harold Edmonds
Walter J. Bailey	Cassius M. Clay	Addison L. Everett
John Rhea Banton	Paul Cobb	Thomas P. Fitzpatrick
Clarence J. Barnum	R. Josh Cosby	Cabell D. Francis
Wallace Bartley	Vernor O. Cottengim	W. L. Hadden
Owen Billington	Charles W. Craig	C. Ruby Harralson
Leo A. Bleemel	W. Marvin Davis	George F. Harris
J. C. Bradley	John L. Day	Harold G. Helm
Edward T. Breathitt, Jr.	Albert Dempsey	Henry R. Heyburn
Edward O. Bridgers	C. E. Dowell	Lon C. Hill
	O. O. Duncan	Estill R. Hilton

Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 12. A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider Burley tobacco acreage reduction in the Commonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

Said resolution is as follows, Viz:

WHEREAS, severe drouth has drastically curtailed burley tobacco production in the Commonwealth; and

WHEREAS, public consumption of products in which burley tobacco is used increases daily; and

WHEREAS, a reduction in burley tobacco acreage would create a deplorable shortage of this product on the market; and

WHEREAS, the burley tobacco acreage allotted in the Commonwealth at present is not excessive; and

WHEREAS, the economy of the Commonwealth depends heavily upon burley tobacco production; and

WHEREAS, farm prices have recently declined with alarming rapidity;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky, respectfully urges and solicits the U. S. Secretary of Agriculture to reconsider and remand any order reducing burley tobacco acreage in the Commonwealth of Kentucky.

Section 2. The Clerk of the House of Representatives is hereby directed to forward a copy of this Resolution to the U. S. Secretary of Agriculture.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and adopted.

Said resolution was adopted by a voice vote.

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Hilton moved that the rules of the House be suspended for the purpose of receiving committee reports.

Said motion was agreed to.

COMMITTEE REPORT

Mr. Hilton, Chairman of the Committee on Labor, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 51. AN ACT to exclude labor disputes from the operation of the Motor Carriers Act, Chapter 281, Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Mobley moved to suspend the rules and that stickers for cars of the members of the General Assembly be re-issued so as to include the year of 1954 and 1955 and a copy of the motion be transmitted to the Division of Services.

Said motion was agreed to.

REFERRAL OF BILLS AND RESOLUTIONS

The Clerk announced that the Committee on Committees has referred the following bills and resolutions to the following committees, viz:

H. B. No. 66—Kentucky Statutes No. 1

H. B. No. 67—Judiciary and Judicial Council

H. B. No. 68—Education

H. B. No. 69—Ways and Means

H. Res. No. 18—Ways and Means

Mr. Lowman moved that the House adjourn until 1:00 P. M. Tuesday, January 26, 1954.

Said motion was agreed to.

The House was then adjourned.

TUESDAY, JANUARY 26, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend W. E. Milby, Pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Cassius M. Clay	Cabell D. Francis
Walter J. Bailey	Paul Cobb	W. L. Hadden
John Rhea Banton	William J. Conley	C. Ruby Harralson
Clarence J. Barnum	R. Josh Cosby	George F. Harris
Wallace Bartley	Vernor O. Cottengim	Harold G. Helm
Charles E. Baumgardner, Sr.	Charles W. Craig	David Heskamp
Leo A. Bleemel	W. Marvin Davis	Henry R. Heyburn
J. Murray Blue	John L. Day	Lon C. Hill
J. C. Bradley	Albert Dempsey	Estill R. Hilton
Edward T. Breathitt, Jr.	C. E. Dowell	Chester J. Holsclaw
Edward O. Bridgers	James A. Dressman, Jr.	Varna Holt
John Young Brown	O. O. Duncan	William M. Horn
Charles W. Buchanan	Harold Edmonds	William L. Jones
Harry M. Caudill	Addison L. Everett	Jennings H. Kearby
	Herbert Fern	Talmage Lacy
	Thomas P. Fitzpatrick	James W. Lambert
		George H. Lovelace
		Harry King Lowman

Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Edmonds moved that leave of absence for the day be granted to the following members, viz: Mr. Billington, Mr. L. M. Tipton Reed and Mr. Lloyd E. Rogers.

Said motion was agreed to.

Mr. Hilton moved that the reading of the Journal of the proceedings of Monday, January 25, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Moorman moved that Clara Margaret Horn be made an honorary page.

Said motion was agreed to.

Mr. Day moved that H. B. No. 22 be recommitted to the Committee on Cities of the Second Class.

Said motion was lost by voice vote.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Clay.

H. B. No. 94. AN ACT relating to party line telephones, and providing a penalty for the misuse thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person using a party telephone line who wilfully refuses to terminate a conservation on such line when so requested by another party on the same line in order that the party making the request might transmit via such line, an emergency summons to a police or fire department, with the result that a timely alarm cannot be transmitted over such line, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for not more than one year, or both.

By Mr. Clay, Mr. Sanders, Mr. Breathitt, Mr. Frances, Mr. McCallum, and Mr. Raybourn.

H. B. No. 95. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.250, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner: means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Needy permanently disable person" means a person who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

Section 2. Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the other provisions of this section, a needy aged person, a needy blind person, a needy child, or a needy permanently disabled person shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation

(b) He is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulation; and

(c) He is not, at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by a govern-

mental unit, except for temporary medical or surgical care in a hospital;

Provided, that no individual shall be eligible to receive public assistance under KRS 205.160 to 205.250 under more than one category of public assistance for the same period of time.

Section 3. Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy, aged or need blind or needy permanently disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

Section 4. Subsection (2) of Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(2) Prior to July 1 of each year the Commissioner shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided for in KRS 205.160 to 205.250; namely needy children, needy aged, needy blind, and needy permanently disabled persons, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided that the commissioner may, in the second year of any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervisions of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, the blind, permanently disabled persons, and otherwise handicapped.

(d) Administration and supervision of all child welfare activities except those vested in the Department of Health.

By Mr. Dressman.

H. B. No. 96. AN ACT relating to the fraudulent display of badges of organizations, and amending subsection (2) of Section 434.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 434.060 of the Kentucky Revised Statutes is hereby amended to read as follows:

Any person who wilfully wears the badge of the Grand Army of the Republic, Masons, Odd Fellows, Knights of Pythias, Knights of Columbus, Knights of Honor, Confederate Veterans or other similar secret societies, American Legion, American Legion Auxiliary, American War Mothers or Kentucky State Association of Licensed Practical Nurses, without being entitled to wear or use it under the regulations governing the organization, shall be fined not more than twenty dollars, or be imprisoned for not more than thirty days, or both.

By Mr. Marcum.

H. B. No. 97. AN ACT relating to persons engaged in the business of purchasing notes arising from sale of motor vehicles, and financing purchasers of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All persons engaged in the business of purchasing direct from dealers, notes arising from the sale of motor vehicles or of financing or refinancing individuals through the medium of loans, upon the sole security of liens upon motor vehicles, may, upon default in payment, repossess such motor vehicle, and under no circumstances shall the dealer from whom the note was purchased or from whom the financing or refinancing contract was purchased, be required to accept return of the motor vehicle from the person repossessing such motor vehicle.

Section 2. This Act shall not abrogate any existing contracts.

By Mr. Buchanan.

H. B. No. 98. AN ACT relating to annexation by a third-class city located in two or more counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever a city of the third class located in two or more counties desires to annex any unincorporated territory, the city legislative body shall pass an ordinance accurately defining the boundary of the territory proposed to be annexed, declaring it to be desirable to annex the territory, and providing that the question of whether or not the territory shall be annexed shall be submitted to the qualified voters residing therein at the next regular election in which all of such voters may vote, if the next regular election is not held within sixty days after passage of the ordinance.

Section 2. The mayor of the city shall deliver a certified copy of the ordinance to the county clerk of the county in which the territory proposed to be annexed is located, or if such territory is located in more than one county, to the county clerks of such counties, who shall have printed on the ballots provided for use in each precinct embraced in whole or in part within the

territory proposed to be annexed the question: "Are you in favor of being annexed to the City of ————————"? Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate the preference. If only a part of any precinct is embraced within the territory proposed to be annexed the clerk of the election shall mark an "X" with the black ink stencil in the squares opposite both the words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not within the territory proposed to be annexed, before he delivers the ballots to those voters. The clerk or clerks shall cause the sheriff or sheriffs to deliver to the election officers in each precinct in the appropriate counties copies of the ordinance proposing to annex.

Section 3. If one-half or more of those voting on the proposition vote in favor of annexation, the city shall pass an ordinance declaring the territory annexed, and such territory shall then become a part of the city.

Section 4. If less than one-half of those voting on the proposition vote in favor of annexation, the ordinance proposing annexation shall become ineffectual for any purpose.

By Mr. Caudill.

H. B. No. 99. AN ACT relating to actions for divorce.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 403.025 of the Kentucky Revised Statutes is hereby amended to read as follows:

The failure to answer a complaint for divorce, or the admission of the allegations contained therein, by a defendant who has been served with summons in this state shall result in the allegations of the complaint being taken as true.

Section 2. Section 403.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

Where the allegations contained in the complaint are controverted, they must be supported by proof. Two witnesses, or

one witness and strong corroborative circumstances shall be necessary to sustain the charge of adultery or of lewd and lascivious behavior. The credibility or good character of the witnesses must be personally known to the judge or personally known to and certified to by the officer taking the depositions or else it must be proved.

Section 3. Section 403.035 of the Kentucky Revised Statutes is hereby amended to read as follows:

The plaintiff, to obtain a divorce, must allege and, where the complaint has been controverted, prove, in addition to a legal cause of divorce:

(1) A residence in this state for one year next before the commencement of the action; Provided, that any person who has been a resident of any United States army post, military reservation or fort within the State of Kentucky for one year, or a resident of state and resided on such United States army post, military reservation or fort together aggregating one year, before filing of the petition may bring and maintain an action for divorce in any county adjacent to said army post or military reservation;

(2) That the cause of divorce occurred or existing in this state, or, if out of this state, either that it was a legal cause of divorce in the state where it occurred or existed or under the provisions of KRS 403.020 and any amendments thereto, or that the plaintiff's residence was then in this state, or that said cause for divorce occurred or existing on any United States army post, military reservation or fort within the State of Kentucky;

(3) That the cause of divorce occurred or existed within five years next before the commencement of the action.

By Mr. Wathen and Mr. Horn.

H. B. No. 100. AN ACT relating to alcoholic beverages amending subsection (8) of Section 241.060 and Section 243.730 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (8) of Section 241.060 of the Kentucky Revised Statutes is amended to read as follows:

(8) To make rules and regulations and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make K.R.S. 244.380 to 244.470 effective. Such rules and regulations shall not be effective unless licensees of the alcoholic beverage industry ae given at least ten (10) days notice, along with a copy of the proposed rule or regulation and an opportunity to be heard in a public hearing before the adoption of the said rule or regulation. No rule or regulation adopted shall become effective until thirty (30) days after its adoption.

Section 2. Section 243.730 of the Kentucky Revised Statutes is hereby amended to read as follows:

Wholesalers or manufacturers of alcoholic beverages may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident wholesaler or manufacturer is keeping proper records and makes reports at the time and in the manner prescribed by the department.

By Mr. Smith.

H. B. No. 101. AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Revenue.

(2) "Motor vehicle" means any vehicle required to be registered under the provisions of KRS 186.020.

Section 2. No motor vehicle, except one owned by the

state or a political subdivision thereof, or by the Federal Government, shall be registered under the provisions of KRS 186.020 to 186.050 unless the application for registration is accompanied by a certificate of proof of the owner's ability to respond in damages as provided in this Act, nor shall any receipt showing transfer of registration on change of ownership of such a motor vehicle be issued under the provisions of KRS 186.190 unless the purchaser, at the time of applying for the transfer of registration, presents such a certificate of proof of his ability to respond in damages.

Section 3. Proof of ability to respond in damages as contemplated by Section 2 of this Act shall be proof of the owner's ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use, by the owner or by any other person with his express or implied consent, of the motor vehicle sought to be registered, in the amount of five thousand dollars because of bodily injury to or death of any one person, and, subject to said limit respecting one person, in the amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property in any one accident. Such proof in such amounts shall be furnished for each motor vehicle registered by any person.

Section 4. The certificate of proof of ability to respond in damages, required by Section 2 of this Act, may consist of any one of the following:

(1) A certificate of an insurance company authorized to do business in this state, that it has issued to or for the benefit of the person named in the certificate a motor vehicle liability policy meeting the requirements of Sections 5 and 6 of this Act which, at the date of the certificate, is in full force and effect and which, unless cancelled is provided in Section 10 of this Act, will continue in full force and effect until the following March 1. The certificate shall designate, by explicit description or by other adequate reference, all motor vehicles to which the policy applies, and shall specify the name, address and business of the insured, the kind of insurance afforded by the policy, the premium charged for it, the policy period and the limits of liability. The certificate shall cover the motor vehicle sought to be regis-

tered, and may cover more than one or all of the motor vehicles owned by the insured. The certificate shall certify that the policy described in the certificate will not be cancelled except as provided in Section 10 of this Act, and that the policy complies with the requirements of this Act. The issuance of such a certificate shall be conclusive evidence that the policy described in the certificate conforms to all the requirements of this chapter.

(2) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has filed with the Department a bond meeting the requirements of Section 7 of this Act and covering the vehicle sought to be registered.

(3) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has deposited with the department money or securities meeting the requirements of Section 8 of this Act.

(4) In the case of a motor vehicle to be operated by a common carrier or contract carrier of passengers or property, a certificate of the Division of Motor Transportation that the person applying for registration has filed with the division a bond, insurance policy or deposit meeting the requirements of KRS 281.080 and 281.230 and covering the vehicle sought to be registered.

Section 5. (1) A motor vehicle liability policy, in order to constitute proof of ability to respond in damages under the provisions of this Act, shall meet the following requirements:

(a) It shall specify the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged, the policy period and the limits of liability. It shall designate by explicit description or appropriate reference all motor vehicles in respect to which coverage is granted.

(b) It shall insure the persons named in it and any other person using or responsible for the use of the motor vehicle with the express or implied permission of the insured.

(c) It shall insure every person on account of the maintenance, use or operation of the motor vehicle within the continental limits of the United States or Canada against loss from

the liability imposed by law arising from maintenance, use or operation, to the extent required by Section 3 of this Act, exclusive of interest and costs, with respect to each motor vehicle.

(d) It shall contain an agreement that the insurance is provided in accordance with the coverage defined in this Act respecting bodily injury, death or property damage, or both, and that it is subject to all the provisions of this Act.

(2) The policy may grant any lawful coverage in excess of or in addition to the coverage specified in this section, and contain any lawful agreements, provisions or stipulations consistent with this Act.

(3) No policy intended to be used as proof of ability to respond in damages shall be issued by any insurance company unless the form of this policy has been approved by the Department of Insurance, and no insurance company shall issue any certificate of the kind contemplated by subsection (1) of Section 4 of this Act unless the form of the policy described in the certificate has been approved by the Department of Insurance.

Section 6. (1) Every motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act shall be subject to the following provisions, whether or not they are contained in the policy:

(a) The liability of the insurer shall become absolute whenever loss or damage covered by the policy occurs and the satisfaction by the insured of a final judgment for loss or damage shall not be a condition precedent to the right or obligation of the insurer to make payment on account of the loss or damage.

(b) The insurer may settle any claim covered by the policy, and if a settlement is made in good faith, the amount of it shall be deductible from the limits of liability specified in the policy.

(c) No policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after the insured has become responsible for the loss or damage and any such cancellation or annulment shall be void.

(d) The policy, the written application, if any, and any

rider or indorsement which does not conflict with this chapter shall constitute the entire agreement between the parties.

(2) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy. If the policy provides for limits in excess of the limits specified in Section 2 of this Act, the insurer may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

Section 7. (1) Any person desiring to furnish proof of ability to respond in damages by means of a bond shall file with the Department of Revenue a bond of a surety company authorized to transact business in this state, or a bond with at least two individual sureties, each of whom owns real estate within this state, and which real estate shall be scheduled in the bond. In the case of a bond with such individual sureties, the bond must be approved by the county judge or circuit judge of the county in which the scheduled real estate is located.

(2) Any bond filed pursuant to subsection (1) of this section shall be conditioned for payment within the limits specified in Section 3 of this Act, by the principal in the bond or by any person using or responsible for the use of the motor vehicle with the express or implied consent of the principal, of any final judgment against such principal or other person on account of bodily injury, death or property damage dresulting from the maintenance, use or operation of the motor vehicle described in the bond.

(3) A bond with individual sureties filed pursuant to subsection (1) of this section shall constitute a lien in favor of the state upon the scheduled real estate of the sureties, and the lien shall exist in favor of any holder of a final judgment for damages against the principal in the bond or against any person using or responsible for the use of the motor vehicle described in this bond with the express or implied consent of the principal, on account

of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the bond. The lien shall run from the time of filing of notice to that effect by the department in the office of the county court clerk of the county in which the real estate is located. The county court clerk shall record such notice of lien in a book to be kept for that purpose, styled "Motor Vehicle Responsibility Liens." The clerk shall receive a fee of one dollar for recording each such notice of lien, to be paid by the person filing the bond.

Section 8. Any person desiring to furnish proof of ability to respond in damages by means of a deposit of money or securities shall deposit with the Department of Revenue the sum of ten thousand dollars in cash, or securities approved by the Commissioner of Revenue having a value of not less than ten thousand dollars, and at the same time shall execute a statement, upon a form prescribed by the department, to the effect that the deposit is made in accordance with and subject to the provisions of this Act, and that the money or securities so deposited may be applied, within the limits specified in Section 3 of this Act, in payment of any final judgment for damages that may be rendered against such person, or against any other person using or responsible for the use of the motor vehicle described in such statement, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the statement. The department shall issue a receipt for the money or securities so deposited, and shall deliver the money or securities to the State Treasurer to be held in a separate account for the purposes set forth in this Act. The department shall not accept any deposit under this section unless it is accompanied by evidence that there are no unsatisfied judgments against the depositor of record in the office of the county court clerk or circuit court clerk of the county in which the depositor resides.

Section 9. (1) Upon the filing of a bond pursuant to Section 7 of this Act, or upon the making of a deposit pursuant to Section 8 of this Act, the department shall issue an appropriate certificate to the person filing the bond or making the deposit, for presentation to the county court clerk as provided in Section 4 of this Act.

(2) A bond, money or securities filed or deposited under the provisions of section 7 or 8 of this Act shall be held by the department (or State Treasurer) to satisfy any execution issued against the person filing the bond or making the deposit, on a judgment for damages arising out of the ownership, maintenance, use or operation of the motor vehicle covered by the bond or deposit, or issued against any person using or responsible for the use of such motor vehicle with the express or implied consent of the owner of the vehicle, on a judgment for damages arising out of the maintenance, use or operation of the motor vehicle by such person. Money or securities so deposited and held shall not be subject to attachment or execution unless the attachment or execution arises out of such a suit for damages. If such a judgment rendered against a person covered by a bond filed under Section 7 of this Act is not satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against the sureties on the bond, including, in the case of a bond with individual sureties, an action to foreclose the lien upon the real estate scheduled in the bond.

Section 10. (1) No motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act may be cancelled during the policy period, and no bond filed pursuant to Section 7 of this Act may be cancelled or withdrawn during the license year for which it was filed, except for one of the following causes:

(a) Any cause which would authorize or require the department to suspend or revoke the operator's license of the owner of the vehicle covered by the policy or bond.

(b) Entry of a civil judgment against the owner of the vehicle or against any other person covered by the policy or bond, for damages for bodily injury, death or property damage resulting from the use or operation of the motor vehicle covered by the policy.

(c) Violation by the insured of a lawful provision of the policy.

(d) A cause which, in the opinion of the department constitutes an adequate reason for cancellation.

(2) Any insurer or surety desiring to cancel such a policy or bond shall give written notice to the Department of Revenue, stating a date, not sooner than ten days after the date on which such notice is given, as of which the cancellation is proposed to become effective. The notice shall be accompanied with a statement of the cause for which the cancellation is to be made. If the department is satisfied that the cause is a proper one, it shall forthwith suspend the registration certificate of the motor vehicle covered by the policy or bond, and the certificate shall remain suspended until the owner of the vehicle gives new proof of his ability to respond in damages in accordance with this Act. If the department is not satisfied that the cause is a proper one, it shall so notify the insurer or surety, and the cancellation shall not become effective. When a registration certificate is suspended under the provisions of this section, the department shall so notify the county clerk by whom the certificate was issued.

Section 11. A certificate presented to the county court clerk pursuant to section 4 of this Act shall be filed by the clerk with the registration records of the persons by whom the certificates were presented, and shall be kept on file and not returned to the registrant. For his services under this section the county court clerk shall be entitled to a fee of fifty cents for each certificate filed by him, to be paid by the person presenting the certificate.

Section 12. No certificate of proof of ability to respond in damages shall be valid, for the purpose of authorizing registration or transfer of registration of a motor vehicle, for any registration year other than the registration year for which it was issued, which year shall be stated in the certificate. Where proof of ability to respond in damages has been made by the filing of a bond, the department may issue a certificate for a subsequent registration year only upon the filing of a new bond meeting the requirements of this Act. Where proof of ability to respond in damages has been made by a deposit of money or securities, the department may issue a certificate for a subsequent registration year upon the same deposit, if the depositor executes a new statement, in accordance with the provisions of Section 8

of this Act, for such subsequent registration year, and presents satisfactory evidence that there is no claim outstanding against him, or against any person who has operated the motor vehicle with his consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the expiring or immediately expired registration year.

Section 13. Where, during any registration year, the person in whose name a motor vehicle has been registered sells or otherwise parts with ownership of the vehicle, and acquires another motor vehicle which he desires to register, the county court clerk may register the same upon presentation of satisfactory proof of the sale or other disposition of the original motor vehicle, and

(1) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by an insurance company, presentation of a certificate from such company that it has issued an endorsement or rider to the original policy, covering the motor vehicle proposed to be registered; or

(2) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the department upon a bond filed with the department, presentation of a new certificate from the department certifying that the bond has been endorsed, by the principal and sureties, to cover the vehicle proposed to be registered; or

(3) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the department upon a deposit of money or securities, presentation of a new certificate from the department certifying that the depositor has executed an amended statement covering the vehicle proposed to b registered; or

(4) In any case, presentation of any new certificate of proof of ability to respond in damages meeting the requirements of this Act.

Section 14. Money or securities deposited pursuant to Section 8 of this Act may be returned to the person entitled thereto, upon the furnishing of satisfactory evidence that there is no claim outstanding against the depositor, or against any person

who has operated the motor vehicle with his consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the registration period covered by the deposit, in any of the following events:

(1) The death of the depositor.

(2) Presentation of proof that the depositor has sold or otherwise disposed of the vehicle covered by the deposit.

(3) Presentation of proof that the depositor has furnished another form of proof of ability to respond in damages, meeting the requirements of this Act, covering the same vehicle.

(4) Surrender of the registration certificate for the vehicle covered by the deposit.

(5) The expiration of the registration year for which the deposit was made.

Section 15. Any person whose registration certificate has been suspended under the provisions of Section 10 of this Act shall, upon request of the department, immediately return to the department the registration certificate and the number plates. If any person willfully fails to return to the department such certificate and plates, the department shall forthwith direct any peace officer to secure possession and return them to the department.

Section 16. An insurance company which has issued a motor vehicle liability policy meeting the requirements of this Act shall, upon request of the insured and without charge, deliver to the insured a certificate that complies with subsection (1) of Section 4 of this Act, but not more than one such certificate shall be issued for any policy, except as provided in subsection (1) of Section 13 of this Act.

Section 17. No person shall forge or sign without authority, any evidence of ability to respond in damages required by this Act.

Section 18. The Department of Revenue shall make rules and regulations necessary for the enforcement and administration of this Act.

Section 19. This Act shall not prevent a plaintiff from relying for security upon the other processes provided by law.

Section 20. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than ninety days, or both.

Section 21. Sections 187.290 to 187.990 of the Kentucky Revised Statutes are repealed.

By Mr. Fitzpatrick.

H. B. No. 102. AN ACT relating to the establishment of a merit system for all county employes who are employed by fiscal courts, and officers and employes of the county police force and amending sections 78.400, 78.405, 78.410, 78.425, 78.430, 78.440, 78.445 and 78.455 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 78.400 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 78.400 to 78.460 and 78.990, the following words and terms shall have the following meaning:

(1) "Board" means the county merit board or boards hereinafter created.

(2) "Chief" means the chiefs of the county police forces affected by KRS 78.400 to 78.460 and 78.990.

(3) "Assistant chief" means the next in command to the chiefs of the county police forces affected by KRS 78.400 to 78.460 and 78.990.

(4) "Secretary" means the executive secretary and examiner employed by the county merit board or boards hereinafter created.

(5) "Officer" means any member of the county police forces affected by KRS 78.400 to 78.460 and 78.990 excluding the chiefs and assistant chiefs but including all commissioned or

non-commissioned patrolmen, corporals, sergeants, lieutenants and captains.

(6) "Employe" means all other employes of the county police forces affected by KRS 78.400 to 78.460 and 78.990, and all county employes who are employed by fiscal courts and who are affected by KRS 78.400 to 78.460 and 78.990.

Section 2. Section 78.405 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any county of the Commonwealth of Kentucky may, by order of its fiscal court, duly made and entered of record, create a county merit system covering employes who are employed by the fiscal court and members of the county police force, and for that purpose, establish a county merit board, whose duties it shall be to classify and examine applicants seeking employment by the fiscal court or as officers or employes of the police force of the said county, excluding the chief and assistant chief, and in addition to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action of the persons named herein and covered by KRS 78.400 to 78.460 and 78.990, and in addition thereto, to hold such hearing, public and executive, and impose such penalties upon the personnel affected by KRS 78.400 to 78.460 and 78.990.

(2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

Section 3. Section 78.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge, subject to the approval of the fiscal court of the county, shall appoint four persons, who shall constitute the county merit board of such county, who shall serve without compensation, and the county judge shall be a member ex officio of the said board, but shall only vote in case of a tie vote on any matter before the board for determination. Each board appointee shall be at least thirty years of age, a resident of the county affected, and not related by either blood or mar-

riage to either the county judge or any member of the fiscal court of the said county. The first members of any said board shall be appointed within the thirty day period following the effective date of an order duly made and entered by a fiscal court creating a county merit system and merit board, and one member of the board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for four years except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any board member may be removed by resolution of the fiscal court of the county for neglect, incapacity, misfeasance or malfeasance on the part of said board members. No appointed board member shall hold any other public office elective or appointive during his term as a member of the board, and shall not receive any money, gift or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the board, the employes who are employed by the fiscal court or the county police force. Not more than two members shall be adherents of the same political party.

(2) Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

Section 4. Section 78.425 of the Kentucky Revised Statutes is amended to read as follows:

(1) All police officers of whatever rank and title except the chief and assistant chief of county police, all employes of every county police force affected by KRS 78.400 to 78.460 and 78.990 and all county employes who are employed by the fiscal court are covered by the provisions hereof. All such covered officers and employes on active duty or service as of the effective date of a duly made and entered order of the fiscal court of the said county creating a county merit system and board, shall be deemed fit and qualified to continue their respective duties of employment without examination or further qualification, except and unless the fiscal court shall within sixty days after the establishment of the board certify to the said board that any county employe whom it has employed is physically unfit

to continue his or her duties, and except and unless the chief of police of any county police force shall within sixty days after the establishment of the board certify to the said board that any officer or employe is physically unfit to continue his or her duties.

(2) All personnel covered by the provisions of KRS 78.400 to 78.460 shall be deemed to be permanent employes subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

Section 5. Section 78.430 of the Kentucky Revised Statutes is amended to read as follows:

Within ten days after the creation of any board under KRS 78.400 to 78.460, the fiscal court with respect to county employes whom it has employed, and the chief of the county police force, with respect to officers and employes of the county police force, shall certify to the board the names, rank, rate of pay and the seniority of every officer and employe as of the effective date of the fiscal court order creating the board.

Section 6. Section 78.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employes covered by KRS 78.400 to 78.460. The board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the county judge, the fiscal court and the chief of the county police force, and by posting a copy thereof conspicuously in the meeting room of the fiscal court and the office or place where the headquarters of the county police is maintained. Said rules and amendments thereto shall be published in the manner prescribed within three days after the adoption thereof.

(2) The rules in addition to other matters shall specifically provide for and cover the following:

(a) 1. Physical, mental, educational, citizenship and age requirement for new employes and officers.

2. Physical, mental, educational citizenship and age requirement for new employes and officers and seniority requirements for promotion from lower to higher rank or classification.

(b) 1. Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

2. Public notices of examinations provided in (b) 1.

(c) Temporary appointments in case of emergency.

(d) Organization and meetings of the board.

(e) Procedure and conduct of public hearings.

Section 7. Section 78.445 of the Kentucky Revised Statutes is amended to read as follows:

Any county employe employed by the fiscal court may be removed, suspended, laid off, reduced in grade, or fined by the fiscal court for any cause which will promote the efficiency of county affairs, and the chief of the county police force may take the same action for the same reason with respect to officers and employes of the county police force, but before any such action is taken by the fiscal court or the chief of police against any officer or employe, they shall furnish the officer or employe concerned with a written statement of the reasons why the described action is taken. The officer or employe may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employe removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction or fine, which shall be made a part of the official records of the fiscal court or the police department. No trial or examination of witnesses shall be required in any such case except in the discretion of the fiscal court when affecting its employes, or in the discretion of the chief of police when affecting the officers and employes of the county police department. The fiscal court and the chief of police shall likewise furnish a copy of the written charges and reasons for their action to the board.

Section 8. Section 78.455 of the Kentucky Revised Statutes is amended to read as follows:

In all cases provided for in KRS 78.445 and 78.450, the action of the fiscal court, the chief of the county police force and the board shall be final except in the following cases:

Every action in the nature of a dismissal, suspension, reduction or fine made by the fiscal court the chief, or the board, shall be subject to review by the board at the request of any officer or employe affected by KRS 78.400 to 78.460, and in any case where the board, after investigation, is of the opinion that the disciplinary action taken by the fiscal court, the chief or the board itself, was brought about or influenced by reason of political activity or religious belief, any improper or unjustified prejudice, or misinterpretation of evidence or facts, then the board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the board are of the opinion that the action of the fiscal court, the chief or the board itself is unjustified or unsupported by proper evidence, then the order instituting such action may be set aside and revoked by the board and the board may impose such penalty or punishment as it may deem necessary and appropriate. The board may, after investigation, increase any disciplinary action taken by the fiscal court, the chief or the board itself where such additional action is justified in the opinion of a majority of the members of the board.

By Mr. Fitzpatrick.

H. B. No. 103. AN ACT relating to general indexing of real property records in counties containing second-class city, and amending subsection (3) of Section 382.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties having a courthouse district as provided in KRS 382.210, the fiscal court in each county containing a city of the second class may in its discretion direct the county clerk to have made in books prepared for that purpose general indexes of the records of all the real property in the county according to a system approved by the fiscal court. The county clerk shall advertise for bids for all the work necessary to install the system under specifications approved by the county judge and shall, with the approval of the fiscal court, enter into a contract with the lowest and best bidder for the work, after requiring him to give bond for the faithful performance of the contract in a sum to be fixed by the fiscal court and approved by the county judge, and when the work has been completed to its satisfaction, the fiscal court shall direct the payment agreed upon out of the general fund of the county.

(2) When general indexes are completed they shall constitute the official indexes and the clerk of the county shall keep the indexes up to date by indexing therein the records of all real property within one month from the time they are lodged for record, and when so indexed the alphabetical cross-index of such instruments need no longer be preserved, and when such records or any part of them become defaced or injured the clerk shall transcribe the defaced or injured records into new books, which shall be as valid in law as the original record.

(3) In order that such additional indexes may be kept correctly and accurately, the county clerk may employ a competent person to keep the system of indexing and such person shall be paid a sum not less than $3,500 nor more than $4,500 per annum, out of the fees collected by the county clerk.

By Mr. Ockerman and Mr. Martin.

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended so as to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two thousand five hundred dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or committing property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. Heyburn.

H. B. No. 105. AN ACT changing the classification of the City of St. Matthews, in Jefferson County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of St. Matthews, in Jefferson County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of St. Matthews in Jefferson County, is transferred from the sixth to the fourth class of cities.

By Mr. Caudill and Mr. Treadway.

H. B. No. 106. AN ACT relating to the use of explosives and other blasting devices in mines.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 352.240 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Weintraub.

H. B. No. 107. AN ACT relating to the establishment and operation of a Northern Kentucky Utility District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There hereby is established a Northern Kentucky Public Utility District, which shall embrace the counties of Kenton and Campbell, and all incorporated cities within those counties. The district shall constitute a public body corporate, and political subdivision, with power to sue and be sued, contract and be contracted with, and in other ways to exercise all of the powers of a corporation and a political subdivision, within the purview of this Act.

Section 2. The business, activities, and affairs of the Northern Kentucky Utility District shall be managed, controlled and conducted by a board composed of one representative from each county and each city embraced within the district. The fiscal court of each such county shall appoint a representative, and the legislative body of each such city shall appoint a representative, to serve on the board. Any person appointed need not be, but may

be, an officer or employe of the county or city for which appointed. The members of the board shall serve for terms of four years, and until their successors are appointed and have qualified, subject to removal at any time at the pleasure of the appointing authority. Vacancies shall be filled by appointment by the appointing authority.

Section 3. Following the appointment of the first board for the Northern Kentucky Utility District, the members shall meet for the purposes of organizing and electing officers, and thereafter regular meetings shall be held at such time and place as the board may determine. The original meeting shall be held at a time and place to be selected by the representative on the board from Kenton County, who shall act as temporary chairman for the purpose. Thereafter, special meetings may be held at any time upon call of the regular chairman or of any three members.

Section 4. The officers of the board shall consist of a chairman, a vice-chairman, a secretary, an assistant secretary, and a treasurer, who shall be chosen from the membership of the board for one year terms. No member or officer of the board shall receive any compensation for his services, except that if the member chosen as secretary is not an officer or employe of the county or city which he represents, he may be paid a salary of not more than five hundred dollars per annum, and if the member chosen as treasurer is not an officer or employe of the county or city which he represents, he may be paid a salary of not more than two hundred dollars per annum. The members of the board shall be reimbursed for their actual and necessary expenses in attending meetings of the board and otherwise in performing their functions.

Section 5. The board for the Northern Kentucky Utility District shall have power to adopt rules and bylaws governing the conduct of the affairs of the district. It shall further have power to make employments or enter into contracts for the furnishing of technical, skilled or professional services for the district.

Section 6. The Northern Kentucky Utility District, through its board, shall have power to:

(1) Negotiate and deal with public utilities serving any

territory within the district or seeking a franchise to furnish such service.

(2) Render services to the counties and cities embraced within the district in the preparation of franchise ordinance or contracts and in the handling of utility rate cases affecting utility service within the district.

(3) Furnish information, advice and assistance to the counties and cities embraced within the district on all matters relating to public utility rates or service.

(4) Upon request of any county or city embraced within the district, represent such county or city before any regulatory body or court in any proceeding or case involving rates or service of a public utility.

(5) Appear before any regulatory body or court, as a party in interest, on behalf of the district, in any proceeding or case involving rates or service of a public utility within the district.

(6) Purchase any utility, and if unsuccessful, to condemn such utility, such power to be in addition to any existing condemnation remedy.

Section 7. Before any county or city embraced within the Northern Kentucky Utility District may grant any franchise or enter into any contract with a public utility, the proposed franchise or contract must be submitted to the board of the district, which shall within thirty days submit a report to the county or city setting forth its recommendations concerning the same.

Section 8. For the purpose of providing funds to enable the functions of the Northern Kentucky Utility District to be performed, each city embraced within the district shall pay to the district, at the beginning of each fiscal year of the district, the sum of fifty dollars for each one thousand or major fraction thereof of population of the city, the minimum payment in any case to be fifty dollars, and each county embraced in the district shall pay to the district, at the same time, a sum equal to one-fourth of the total sum paid by all the cities located within the county. The fiscal year of the district shall begin on July 1 of each year and end on June 30 next following.

Section 9. The treasurer of the Northern Kentucky Utility District shall be required to give bond, with qualified corporate surety, in an amount sufficient to cover such sums as may be in his hands at any one time, conditioned upon the faithful performance of his duties and the faithful accounting for and paying over of all money that may come into his hands by virtue of his office.

Section 10. The funds of the district shall be paid out only on order of the board, on checks signed by the treasurer and countersigned by the chairman or other officer designated by the board. The funds of the district shall be kept on deposit in a depository bank selected by the board.

By Mr. Weintraub.

H. B. No. 108. AN ACT relating to evidence, amending Section 455.090 and subsection (3) of Section 421.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 455.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any criminal or civil prosecution the defendant, on his own request, shall be allowed to testify in his own behalf, but his failure to do so shall not be commented upon or create any presumption against him.

(2) A defendant so requesting to be allowed to testify for himself shall be allowed to testify in chief either before or after any other witness or witnesses have testified for the defense.

Section 2. Subsection (3) of Section 421.210 of the Kentucky Revised Statutes is amended to read as follows:

A party may testify for himself, in chief, in an ordinary action, suit in equity or special proceeding, after introducing other testimony for himself in chief.

By Mr. Weintraub.

H. B. No. 109. AN ACT relating to city licenses for the privilege of manufacturing and trafficking in alcoholic beverages, and amending Section 243.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.070 of the Kentucky Revised Statutes is hereby amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsections (1), (2), (3), (5), (6), (7), (15) and (16) of KRS 243.030 and subsections (1), (2), (3) and (6) of KRS 243.040. The fees imposed shall not exceed twice the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a malt beverage retailer's license may be fixed at not exceeding two hundred dollars, and the fee for a distiller's license shall not exceed five hundred dollars.

By Mr. Mobley.

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Subsection 1) of Section 84.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the regular election every four years, beginning with 1895, the voters of the city shall elect a mayor, city treasurer, city attorney and assessor, each to hold office for four years and until his successor is elected and has qualified.

Section 2. Section 441.320 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class operating under the council-manic form of government, the mayor may appoint a city jailer, who shall be not less than twenty-five years of age and a qualified voter in the city. He shall hold his office for a term of four years. He shall perform such duties as the general council prescribes by ordinance. His compensation for his duties shall be not less than fifteen hundred dollars nor more than twenty-five hundred dollars per annum. He may appoint a deputy, who shall perform such duties as the general council prescribes by ordinance, and whose compensation shall be not less than nine hundred dollars nor more than twelve hundred dollars per annum. All the property, machinery and equipment of the city jail shall be under the immediate control of the city jailer.

By Mr. Peniston and Mr. Sanders.

H. B. No. 111. AN ACT relating to hunting on private property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall hunt on private property without first having obtained the written permission of the owner of the land.

Section 2. This Act shall be enforced by conservation officers in accordance with the power granted them by Section 150.090 of the Kentucky Revised Statutes.

Section 3. Any person who violates the provision of this Act shall be fined not less than fifteen dollars nor more than one hundred dollars.

By Mr. Day.

H. B. 112. AN ACT relating to the sale, gift or delivery of alcoholic beverages to persons of less than eighteen years, and to the penalty therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall sell, give or deliver any alcoholic beverages to any person who has not reached his eighteenth birthday.

Section 2. (1) Any person who violates the provisions of Section 1 of this Act shall be imprisoned in the county jail or workhouse for not less than thirty days nor more than twelve months. Such person may also be fined not more than five hundred dollars. Violations shall be prosecuted under this section and not under KRS 199.990.

(2) Where the defendant is a parent, guardian or other person to some degree responsible for the care of the child, the court may suspend sentence and release the defendant on probation for one year on his recognizance with or without sureties in such sum as the court directs. The recognizance shall require that the defendant make his personal appearance in court whenever ordered to do so, attend the child as directed by the court, and further comply with the orders of the court. If the court is satisfied by information or proof, under oath, that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original conviction. Unless so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void.

By Mrs. Stovall, Mr. Everett, Mr. Bridgers and Mr. Lowman.

H. B. No. 113. AN ACT relating to the exemption of personal property and salary, wages and income earned by labor from execution, attachment, garnishment, distress warrant and fee-bill and amending and revising Sections 427.010, 427.020, 427.030 and 427.040 of the Kentucky Revised Statutes and relating thereto.

Said bill was as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 427.010, 427.020, 427.030 and 427.040 of the Kentucky Revised Statutes are amended, revised and re-enacted to read as follows:—

The following personal property and the salary, wages and income earned by labor of a person with a family resident in Kentucky shall be exempt from execution, attachment, garnishment, distress warrant and fee-bill:

1.—One bed and bedding sufficient for each member of the family residing at the family household; carpeting for all family rooms in use; two tables; one chair for each member of the family and three additional chairs; all articles necessary for the care of infants and invalids; one sewing machine and motor for its operation; all washing apparatus; one electrical or mechanical iron or two flat irons; one refrigerating unit, mechanical or otherwise; one cooking stove; cooking utensils, china and table ware customarily used by the family; one radio not exceeding fifty dollars in value; two cabinets; heating and lighting equipment necessary in relation to the premises occupied by the family; all wearing apparel; one wedding ring; one engagement ring; one watch consistent with the claimant's station in life or vocational requirements; all books not exceeding one hundred dollars in value and cases or shelving to contain them.

2.—The following personal property also shall be exempt to such person when engaged in either of the following professions or vocations as a primary means of livelihood:

(a)—When engaged in agricultural pursuits, two work beasts and harness and gear necessary in their use; one tractor; other livestock and poultry not exceeding two hundred fifty dollars in value; provender for livestock and poultry on hand sufficient for sixty days; one wagon, cart or dray; two plows and gear; and all hand tools not exceeding twenty-five dollars in value.

(b)—To a physician, surgeon, minister, lawyer, dentist or member of a generally recognized profession the instruments, professional library, office equipment and furnishings necessary in the practice of his profession not exceeding one thousand dollars in value.

(c)—To a mechanic, the tools of his trade or vocation, not exceeding three hundred dollars in value.

(d)—One motor vehicle and its necessary accessories, in-

cluding one spare tire, shall be exempt to a physician, surgeon, minister or veterinarian when reasonably necessary in the practice of his profession or vocation; or to a mechanic or other skilled artisan when primarily engaged in the replacement, repair or emergency servicing of essential mechanical, electrical or other equipment or articles in general use; or to such person when primarily engaged in the moving, transfer or tranportation of goods or other material for hire.

3. (a)—When such person is paid for his labors by the week and his earnings at the time of the service or levy of process do not exceed twenty-five dollars, exclusive of payroll deductions in the form of taxes, ninety percentum thereof shall be exempt; when, however, at such time his earnings exceed twenty-five dollars, exclusive of payroll deductions in the form of taxes, ninety percentum of the first twenty-five dollars and fifty percentum of the excess above twenty-five dollars shall be exempt.

(b)—When such person is paid bi-weekly or semi-monthly and his earnings at the time of the service or levy of process do not exceed fifty dollars, exclusive of payroll deductions in the form of taxes, ninety percentum thereof shall be exempt; when however, at such time his earnings exceed fifty dollars, exclusive of payroll deductions in the form of taxes, ninety percentum of the first fifty dollars and fifty percentum of the excess above fifty dollars shall be exempt.

(c)—When such person is paid by the month and his earnings at the time of the service or levy of process do not exceed one hundred dollars, exclusive of payroll deductions in the form of taxes, ninety percentum thereof shall be exempt; when, however, at such itme his earnings exceed one hundred dollars, exclusive of payroll deductions in the form of taxes, ninety percentum of the first one hundred dollars and fifty percentum of the excess above one hundred dollars shall be exempt.

(d)—When such person receives no fixed wage or salary but is compensated for his labors by commissions or profit allowances the aforesaid exemptions shall apply the same as if the debtor received a fixed wage or salary, in the same percentages and for the same periods of time, and when such person is paid according to any other period than those specified he shall

be entitled to the exemption of the same percentages of his earnings as herein provided in relation to the period of time for which he is paid.

(e)—As used herein "week", "bi-weekly or semi-monthly" and "month" mean, respectively, the periods for which the debtor is paid, without regard to the calendar week, weeks, or month.

4.—To a person residing in Kentucky without a family residing in Kentucky there shall be exempt from the said processes all wearing apparel, and wages or salary or income earned by labor equal to one-half the exemptions hereinabove provided.

5.—The lien created by the issuance, service or levy of process shall only apply to that portion of the personal property and earnings which is in excess of that declared to be exempt, and the court issuing a distress warrant shall determine the property exempt therefrom.

By Mrs. Stovall.

H. B. No. 114. AN ACT relating to absent voting, and amending Sections 126.140, 126.150, 126.160 and 126.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Absent voter" means any qualified voter who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct on the day of holding any election, or any person who expects to be unable to appear at the polling place in his voting precinct, because of sickness or physical disability, on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any absent voter may, at any time not less than ten days before an election, make an application in writing, on the form prescribed in KRS 126.160, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

(2) The application of an absent voter who expects to be unable to appear at the polling place because of sickness or physical disability, shall be accompanied by the affidavit of a licensed physician stating the name of the absent voter, and that in his opinion it will be impossible for said absent voter to appear on election day at the polling place in the precinct in which he is registered, and shall state the reason therefor.

Section 3. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form: "County Court Clerk of _____ County, _____ Kentucky. "I, _____, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____ County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties or expect to be unable to appear at the polling place because of sickness or physical disability at the election to be held on the _____ day of _____, 19_____, and will not vote elsewhere at said election, and am a resident of _____ precinct of said county (or _____ ward of the city of _____, county of _____), and have been such for at least sixty days prior to said date; that I reside at _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least twenty-one years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____

political party; I request that an official ballot be mailed to me at the following address: _____

(Name and address)

_____

(Rank and unit if member of Armed Forces)

_____

(Department of United States Government if an employe or the

_____

wife of an employe stationed abroad)

_____

(Voter must sign here, and oath must be administered and Attested.) "Subscribed and sworn to before me this _____ day of _____, 19_____

_____

(Name and Official Title".

Section 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter _____ Residence (street number, if any) _____ County _____ City or Town of _____ On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the _____ day of _____, 19_____ (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of _____ for more than six months preceding such election, and a resident of _____ precinct of said county (or _____ ward of the city of _____, County of _____) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with

the _____ political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election or expect to be unable to appear at the polling place, because of sickness or physical disability.

_____

(Voter must sign here, and oath must be administered and attested.)
"Subscribed and sworn to before me this _____ day of _____ _____

(Official Title)

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

By Mr. Young.

H. B. No. 115. AN ACT relating to the closing time of circuit court clerk's offices and amending section 61.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.160 of the Kentucky Revised Statutes is amended to read as follows:

Public offices in counties containing a city of the first, second or third class may close at 1 p.m. every Saturday. The office of circuit court clerk in any county may close at twelve o'clock noon every Saturday.

By Mr. Burnley and Mr. McCracken.

H. B. No. 116. AN ACT relating to the manner of holding elections in cities of the second, third and fourth classes having city manager form of government, and amending subsection (1) of Section 89.460 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 89.460 of the Kentucky Revised Statutes is hereby amended to read as follows:

At all elections held under the city manager form of government the ballots shall be on a different sheet from all other ballots to be used in the election and shall be in the form therein prescribed, except the words "City Ballot" shall be at the head thereof. Any public questions submitted by the commission to the electorate shall be printed on the city ballot. The names of all candidates for each office shall be printed on the ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots in alphabetical order, and on each of the succeeding fifty ballots the names shall be printed in the same order except that the first name on the preceeding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, and the last name so shifted from the first place on the preceeding fifty ballots shall be succeeded by the second name. A like change or rotation shall be made throughout in the printed order of names for every fifty ballots.

By Mr. Hill.

H. Res. No. 22. A JOINT RESOLUTION authorizing Margaret Ann Minix, Administratrix of the estate of W. T. Stafford, Sr., deceased, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret Ann Minix, administratrix of the estate of W. T. Stafford, Sr., deecased, is authorized to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either, in the Lawrence Circuit Court, for damages and medical expenses, if any, sustained by said estate by the alleged negligence of the Department of Highways, by and through its officers, agents and employes acting or failing to act in the line of their duties.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he

deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Hilton.

H. Res. No. 23. A RESOLUTION authorizing Ruby G. Wicker, personal representative of Burtis Wicker, to sue the Department of Highways and the Commonwealth of Kentucky, or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about April 8, 1953, at approximately 6:00 P. M., the said Burtis Wicker, while operating a low boy and trailer loaded with a D-8 tractor, owned by R. R. Dawson Bridge Company, Bloomfield, Kentucky, along a public highway known as Kentucky State Highway 40 in Johnson County, Kentucky, entered upon the bridge over the Levisa Fork of the Big Sandy River and went through the main span of said bridge and plunged into the said Levisa Fork of the Big Sandy River, causing his death.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ruby G. Wicker, personal representative of Burtis Wicker, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Johnson Circuit Court, this being the county in which the death of Burtis Wicker occurred.

Section 2. The said suit of Ruby G. Wicker, personal representative of Burtis Wicker, shall be for an amount not exceeding $35,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. Bleemel.

H. Res. No. 24. A RESOLUTION authorizing Lloyd Metcalf to sue the Commonwealth of Kentucky and the Department of Conservation of Kentucky, or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about October 31, 1952, Lloyd Metcalf of Bullitt County, Kentucky, was rendering service to the Commonwealth of Kentucky through the Department of Conservation by voluntarily answering the plea of the Department of Conservation for aid in cobating the fores fires which were at that time ravaging the natural resources of our Commonwealth; and

WHEREAS, the Department of Conservation, as a result of the emergency which existed, allowed Lloyd Metcalf to remain on constant duty for several days and nights without proper rest; and

WHEREAS, the Commonwealth of Kentucky and the De-

partment of Conservation were allegedly careless and negligent in allowing the emergency to come about and to continue to exist, thereby requiring Lloyd Metcalf to remain on duty in an exhausted state, and as the sole, direct and proximate result of the alleged carelessness and negligence aforesaid the said Lloyd Metcalf suffered serious and permanent bodily injuries and was caused to endure much paid and suffering; and

WHEREAS all of the injuries, expenses, damages and suffering heretofore set out were caused and produced by the alleged carelessness and negligence of the Department of Conservation, its agents, officers and employees, and the said Lloyd Metcalf was free of any negligence whatsoever which contributed to or in any manner brought about the injuries complained of,

NOW, THEREFORE:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Lloyd Metcalf is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Conservation, or either of them, in the Circuit Court held in and for Bullitt County, Kentucky, this being the county of his residence, and the county in which the injuries and damages complained of occurred, and the county where such injuries and damages were the direct and proximate result of the alleged carelessness and negligence of the Department of Conservation.

Section 2. The said suit of Lloyd Metcalf shall be for an amount not exceeding $2500.00.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate these claims against the Commonwealth of Kentucky and the Department of Conservation, or either of them, and settle said claims before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Conservation, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

COMMITTEE REPORTS

Mr. Weintraub, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported favorably a bill of the following title viz:

H. B. No. 15. AN ACT to authorize and add one additional judge to the circuit court for the seventeenth circuit court district, and providing for the appointment and election thereof.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 22. AN ACT relating to the taxing powers of cities of all classes and amending section 92.281 of the Kentucky Revised Statutes, and declaring an emergency.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.281 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Cities of all classes are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the legislative body of the city.

(2) Nothing in this section shall be construed to repeal, amend or affect in any way the provisions of KRS 243.070.

(3) This section shall not in any wise repeal, amend, affect

or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation, nor shall it be construed to authorize a city to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax.

(4) This section shall also be subject to the provisions of KRS 91.200 in cities of the first class having a sinking fund and commissioners of a sinking fund, as prescribed by KRS 91.130.

Section 2. WHEREAS, at the 1948 General Assembly, enactment of subsection (4) of KRS 92.281 made said section subject to the provisions of KRS 91.200; and

WHEREAS, the provisions of KRS 91.200 are only applicable to cities of the first class and are not applicable to cities of any other class, and the said subsection (4) of KRS 92.281, as enacted by the 1948 General Assembly, was not intended to apply to any city other than a city of the first class; and

WHEREAS, some confusion has arisen concerning the applicability of said subsection (4) of KRS 92.281, as enacted in 1948, as a result of which the right and power of cities, other than cities of the first class, to levy taxes under this section and to apportion, allocate and expend such taxes, without the necessity and requirement that same be paid into a sinking fund, has been questioned to the extent that the status and financial structures of all cities other than cities of the first class are vitally affected; and

WHEREAS, it is imperative that the aforementioned confusion be eliminated in order that such cities may properly plan, establish and make provision for the imposition and collection of taxes necessary to properly administer the affairs of the cities; which, under the law, must now be planned and provided for;

An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Morgan moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Mr. Day moved that H. B. No. 22 be tabled.

Said motion disagreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Geo. F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Damon Majors
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid

Russell Reynolds	E. H. Stumbo	William B. Wells
Joe Rouse	C. Waitman Taylor	Warren D. Williams
Cecil C. Sanders	W. W. Webster	T. D. Winstead
Mrs. Thelma L. Stovall	Morris Weintraub	Walker H. Wiseman
	Hicks Wells	Paul E. Young

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Those who voted in the negative were—

Wallace Bartley	James W. Lambert	Hobart Rayburn
Charles W. Buchanan	Ralph E. McClanahan	LeRoy Saylor
Charles W. Craig	William C. Mann	W. R. Smith
John L. Day	William J. Marcum	James Treadway
Albert Dempsey	Carl D. Melton	Charles W. Wirsch
Harold G. Helm	Alton B. Mitchell	Dr. Clyde D. Wooton
Varna Holt	Eddie J. Morris	

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Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Banton, Chairman of the Committee on Fourth Class Cities, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 24. AN ACT relating to qualifications of members of Police and Fire Departments in cities of the fourth and fifth classes, and amending Section 95.710 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 15. A JOINT RESOLUTION commending the public officials of the Commonwealth for establishing Carter Caves State Park.

Whereupon, said resolution was read at length for the first time, and ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 51. AN ACT to exclude labor disputes from the operation of the Motor Carriers Act, Chapter 281, Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bill be read for the second time by title only.

Said motion was agreed to.

Ordered placed in the Orders of the Day.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 20. AN ACT relating to appropriations for operation, maintenance, support, etc. of the State Government.

Ordered that the said bill be delivered to the Enrolling Clerk.

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 17. AN ACT relating to the sales of realty of infants and persons of unsound mind.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 389.010 (10) is amended to read as follows:

(10) The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the circuit court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully

discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book. *Provided, that if the circuit court upon examination of a certified copy of the bond executed in the county court of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine, in its discretion, that said bond is adequate and sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the Order Book that it has personally examined the certified copy of the bond executed in the county court, and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the Clerk of the County Court in which it was executed.*

Sec. 2. Section 389.010 (15) of the Kentucky Revised Statutes is amended to read as follows:

(15) If the chancellor shall deem the sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book. Provided if the share of the infant in the proceeds does not exceed one hundred dollars, exclusive of interest, no bond shall be required of the guardian. *Provided further, that if the circuit court upon examination of a certified copy of the bond executed in the county of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine in its discretion that said bond*

is adequate or sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the Clerk of the County Court in which it was executed. This proceeding shall be tried and judgment rendered in accordance with the Rules of Civil Procedure.

Said bill is ordered printed and referred.

Mr. Lowman moved that H. B. No. 35 be passed and that said bill retain its place in the Orders of the Day.

Said motion agreed to.

Mr. Lowman moved that the House recess for fifteen minutes.

Said motion agreed to.

The fifteen minutes having expired, the Speaker resumed the chair.

Mr. Lowman moved that the rules be suspended for the purpose of making Committee Reports.

Said motion agreed to.

COMMITTEE REPORTS

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 13. A JOINT RESOLUTION petitioning Congress to continue to maintain and operate locks on the Kentucky River.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and

Means, to which same had been previously referred, reported favorably a resolution of the following title, viz:

S. Res. No. 7. A JOINT RESOLUTION inviting Alben W. Barkley to address a joint session of the General Assembly.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Dressman, Chairman of Committee on Criminal Law, to which same had been previously referred, reported unfavorably a bill of the following title, viz:

H. B. No. 38. AN ACT relating to probation and parole.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Morgan moved that the rules be suspended and S. Res. No. 7 be taken from the Calendar and adopted.

Said motion agreed to by a majority of the members elected.

Said resolution adopted.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Honorable Alben W. Barkley be, and he is hereby respectfully invited to address a joint session of the General Assembly of the Commonwealth of Kentucky; and the Clerk of the Senate and the House is hereby instructed to notify the Honorable Alben W. Barkley of the wishes of the General Assembly in this matter.

Ordered that said resolution be delivered to the Senate.

Mr. Morgan moved that the letter of acceptance by Vice President Barkley to the invitation to address a joint session of the General Assembly be spread at large upon the Journal.

Said motion is agreed to.

Said letter is as follows, viz:

Hon. J. Ervin Sanders,
Chief Clerk
Kentucky House of Representatives
Frankfort, Ky.

Dear Ervin:

I received promptly your joint letter transmitting to me the Joint Resolution passed by the Kentucky General Assembly inviting me to address it on some convenient date to be suggested by me.

I am sure you know how deeply I appreciate this honor and I shall try to demonstrate my appreciation by accepting it. At this moment, I do not know just what date will be convenient, but it should be sometime in the month of February. I will communicate with you as soon as I can fix a date and inquire whether such a date would be convenient to the General Assembly itself.

Looking forward to seeing you and all my friends and with every good wish, I am

Cordially yours,

(Signed) Alben W. Barkley
Alben W. Barkley

Mr. Lowman moved that the rules be suspended and H. Res. No. 15 be taken from the Calendar and adopted.

Said motion agreed to.

Said resolution adopted.

Said resolution is as follows, viz:

WHEREAS, the public minded officials of our great Commonwealth; the Department of Conservation, Hon. Henry Ward, Commissioner, have established in the county of Carter, the Carter Caves State Park; and

WHEREAS, there has been a very recent addition to the park of an extensive, beautiful artificial lake that adds so much

to the natural beauty of the park, already one of natures most beautiful and scenic spots under the canopy of heaven, and

WHEREAS, many thousands of people visit this shrine of nature to behold its beauty and grandeur, and the real natural beauty of Kentucky is sold and displayed to the eager visitors from many parts of the world; and

WHEREAS, this public service meets a responsive chord in the depths of the hearts of a patriotic, deserving people, the citizens of Carter County and the Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the good citizens of Carter County express their sincere thanks and lasting gratitude to the public spirited officials of Kentucky for their interest in this monument of beauty that reposes beneath the shadow of the hills we so deeply love.

Section 2. It is directed that a copy of this Resolution be made a part of the official record.

Ordered delivered to the Senate.

Mr. Morgan moved that the rules be suspended for the purpose of making a motion.

Said motion agreed to.

Mr. Morgan moved that when the House does adjourn on Thursday, January 28, 1954, it adjourn to meet again on February 1, 1954, at 3:00 P. M.

Said motion agreed to by voice vote.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, January 27, 1954.

Said motion agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 27, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend W. E. Milby, Pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall

E. H. Stumbo	Morris Weintraub	Charles W. Wirsch
C. Waitman Taylor	Hicks Wells	Walker H. Wiseman
James Treadway	William B. Wells	Dr. Clyde D. Wooton
Eulick Walsh	Warren D. Williams	Paul E. Young
Will Tom Wathen	Mrs. Randolph Wilson	Charles W. Burnley, Speaker
W. W. Webster		

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REPORT OF THE ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, a bill of the following title, viz:

H. B. No. 20. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other State supported activities.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bill to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time the enrolling clerk aforesaid, delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, January 26, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Hilton moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Hilton moved that the Speaker appoint a committee of five members to escort a visitor, Corporal Ernest West, to the rostrum for brief remarks.

Said motion was agreed to.

The Speaker appointed said committee as follows: Representatives Hilton, Lowman, Stumbo, Breathitt and William Wells.

Mr. Mitchell moved that Johnnie Webb, Charlotte Webb, Thomas W. Hines, Jr., Joseph Richard Hines, Otis Marshall Veatch and Jeffrey Veatch be made honorary pages.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to the following members, viz: Mr. Barnum, Mr. Billington, Mr. Hadden, Mr. L. M. Tipton Reed and Mr. Winstead.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lovelace, Mr. McCallum, and Mr. Saylor.

H. B. No. 117. AN ACT relating to the state flower, and amending Section 2.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 2.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

The redbud is the official state flower of Kentucky.

By Mr. Martin, Mr. McClanahan and Mr. Morris.

H. B. No. 118. AN ACT relating to animals and fowls running at large.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 259.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Stray cattle or chickens may be taken up and posted by any freeholder by legal or equitable title or by a tenant of an unexpired lease for not less than three years when found on his place of residence.

Section 2. Section 259.130 of the Kentucky Revised Statutes is amended to read as follows:

The absolute ownership of a stray horse, mule, jack or jennet shall vest in the taker-up at the expiration of two years after the justice has received the evidence of the valuation and administered the oath to the taker-up. The absolute ownership of other stray cattle or chickens shall vest in the taker-up after the expiration of twelve months from the day on which the cattle or chickens have been posted.

Section 3. Section 259.140 of the Kentucky Revised Statutes is amended to read as follows:

The taker-up of any stray cattle or fowls shall pay to the owner the valuation of the stray, if it is a horse, jack, jennet, mule or chickens upon proof of his right to payment, at any time within three years from the day the right of property in the stray vests in the taker-up. The valuation of all other stray cattle or chickens shall be paid in the same manner, upon proof of ownership, at any time within one year after the right of property is vested in the taker-up. If the stray dies or escapes from the possession of the taker-up before the owner claims the same, he need not pay the valuation or account for the stray. The proof of death or escape shall rest upon the taker-up.

Section 4. Section 259.200 of the Kentucky Revised Statutes is amended to read as follows:

No person shall permit any cattle or chickens to run or trespass upon any state and national parks, encampment grounds, scout camps and grounds dedicated to religious, educational and recreational purposes.

Section 5. Section 259.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall permit any cattle or chickens owned by him or under his control or in his custody, to run at large.

(2) If any damage is committed by cattle or chickens permitted to run at large, the owner of the cattle or chickens shall be liable for all damages, whether the place where the damages, occurred is enclosed by lawful fence or not. The person damaged shall have a lien on the cattle or chickens committing the damage for the amount of the damage and cost of suit.

(3) The sheriff or any other peace officer shall impound any cattle or chickens found running at large in the county, and the owner or bailee of the cattle or chickens shall pay to the officer impounding, for each head impounded, one dollar and the cost of feeding and taking care of the cattle and chickens, but the cost of impounding any number of cattle or chickens shall not exceed three dollars and the cost of feeding. The sheriff or any other peace officer shall have a lien on the cattle or chickens impounded for his fees and expenses, which he may enforce in the same manner in which mortgage liens are enforced.

(4) Nothing in this section shall be construed as limiting any powers possessed by cities to regulate cattle or chickens running at large.

Section 6. The provisions of KRS Chapter 259 shall be construed in such a manner as will make it henceforth applicable to chickens in all precincts, justice's districts, and counties of this Commonwealth where the so-called stock law has been adopted by a majority of the voters and where it is now in force and effect as fully as if the words hereby adopted had been in the question voted upon at the time of the said "stock law" elections in the respective precincts, justice's districts, or coun-

ties, and as fully as KRS Chapter 259 applied to cattle before this Act.

By Mr. Morgan.

H. B. No. 119. AN ACT providing that certain types of employment shall not constitute "covered employment" under the Unemployment Compensation Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unless the employing unit thereof, as defined in KRS 341.060, has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment", as used in KRS Chapter 341, does not include services performed in the employ of any perpetual care, nonprofit cemetery association, corporation or trusteeship, which perpetual care, nonprofit cemetery association, corporation or its trustees, has not more than eight employes, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

By Mr. C. Waitman Taylor.

H. B. No. 120. AN ACT relating to the closing time of circuit court clerks' offices and amending Section 61.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.160 of the Kentucky Revised Statutes is amended to read as follows:

Public offices in counties containing a city of the first, second or third class may close at one p.m. every Saturday. The office of circuit court clerk in any county may close at twelve o'clock noon every Saturday.

By Mr. Taylor.

H. B. No. 121. AN ACT relating to the issuance of motor vehicle operators' licenses and repealing subsection (2) of Section 186.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 186.410 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Edmonds, Mr. Newsom and Mr. Dempsey.

H. B. No. 122. AN ACT relating to carrying concealed deadly weapons, and amending subsection (1) of Section 435.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 435.230 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed deadly weapons, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon other than an ordinary pocket knife, to a minor, shall be fined not less than one hundred nor more than five hundred dollars.

(2) Any person convicted a second time under subsection (1) of this Act shall be fined not less than one hundred nor more than five hundred dollars and confined in the county jail for not less than one month nor more than six months.

(3) Any person convicted a third time under subsection (1) of this Act shall be confined in the penitentiary for not less than one nor more than five years.

By Mr. Maglinger.

H. B. No. 123. AN ACT relating to chemical analysis of bodily substances to determine quantity of alcohol in blood of

person arrested for driving vehicle while under the influence of intoxicating liquors, and the presumptions arising from such analysis.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In any criminal prosecution for driving a vehicle upon a highway while under the influence of intoxicating liquors, as prohibited in KRS 189.520, the amount of alcohol in the defendant's blood as shown at the time of a chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(1) If there was at the time of the analysis 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquors;

(2) If there was at the time of analysis in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquors, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(3) If there was at the time of analysis 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquors.

Section 2. Nothing in this Act shall be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquors while driving a vehicle upon the highway.

By Mr. Cottengim.

H. B. No. 124. AN ACT concerning equipment of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All motor trucks and semi-trailer trucks, except farmers trucks as defined by subsection (4) of KRS 186.050, shall be equipped with mud guards of such design and material as will efficiently decrease the amount of mud and spray thrown into the air by the tires of such vehicles.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

By Mr. Marcum.

H. B. No. 125. AN ACT relating to the operation of a taxicab in competition with a common carrier, and amending Section 281.805 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.805 of the Kentucky Revised Statutes is amended to read as follows:

All persons operating taxicabs within the Commonwealth shall be permitted to pick up fares outside of the corporate limits of any city, except that such taxicabs shall not pick up any fares within thirty minutes of the time that any common certified carrier is scheduled to arrive and pick up said fares.

By Mr. Smith.

H. B. No. 126. AN ACT relating to mining, and prohibiting same within five feet of property line, and amending subsection (1) of Section 352.490 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 352.490 of the Kentucky Revised Statutes is hereby amended to read as follows:

No owner or tenant of any land containing coal shall engage in mining within five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief.

By Mr. Smith.

H. B. No. 127. AN ACT relating to retirement of teachers and amending Section 161.600 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.600 of the Kentucky Revised Statutes is amended to read as follows:

Any member who has attained the age of sixty years and who has completed twenty years of service as teacher in Kentucky, may retire upon written application to the board of trustees of the retirement system. The filing of the application shall, unless it is withdrawn, retire the member at the end of the current fiscal year. Any member shall be automatically retired at the end of the fiscal year during which he attains the age of seventy years. Members who are seventy years of age or older on July 1, 1942, shall be automatically retired on that date.

By Mr. Kearby.

H. B. No. 128. AN ACT relating to juries and amending subsection (1) of Section 29.070 and subsection (1) of Section 29.130 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 29.070 of the Kentucky Statutes is amended to read as follows:

(1) The jury commissioners shall take the last returned tax commissioner's book for the county; except in counties containing a city of the second class and a court of continuous session, in which counties the jury commissioners shall take the last returned registered election voters' book for the county or last returned tax commissioner's book; and from it shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than three hundred.

(b) In counties having a population of more than ten thousand, and not more than twenty thousand, not less than one hundred and sixty-two nor more than four hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

Section 2. Subsection (1) of Section 29.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At each term of circuit court, of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names to procure the names of twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. The judge shall then, after having locked and revolved or shaken the drum, reopen it and draw therefrom the names of not less than thirty nor more than forty-five persons, in the discretion of the judge, to act as petit jurors, record their names on paper, certify and

sign it. Sessions of a court having continuous session held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held shall be deemed terms of court within the meaning of this Section.

By Mr. Routh.

H. B. No. 129. AN ACT relating to the manner of electing members of the common council in third class cities, and amending subsection (2) of Section 85.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 85.040 of the Kentucky Revised Statutes is amended to read as follows:

The common council shall have twelve members, each of whom shall be elected by the voters of the ward which he seeks to represent. The number of councilmen shall be apportioned equally among the wards of the city.

By Mr. Routh and Mr. Marcum.

H. B. No. 130. AN ACT relating to judicial districts, creating an additional district, and making changes in the apportionment and allocation of counties of the Twenty-seventh, Thirty-fourth and Forty-first Judicial Districts, in order to comply with the meaning and intent of the Constitution of the Commonwealth of Kentucky with respect to the division of the Commonwealth into judicial districts; etc.

Said bill is as follows, viz:

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population involved in the division of the State into Judicial Districts, and,

WHEREAS, with such regard, the General Assembly has found the following facts to exist:

(1) The entire population of the State as of the last Federal census is 2,944,806.

(2) That upon the basis of population, additional judicial districts may be established to the forty-two judicial districts now existing, pursuant to sections 132 and 138 of the Constitution.

(3) That the Counties of Whitley and McCreary have a combined population of 48,100 as of the last census.

(4) That the counties of Knox and Laurel have a combined population of 56,206 as of the last Federal census,

(5) That the combined population of Clay, Jackson, and Lesile counties have a combined population of 51,754, as of the last Federal census,

(6) That the county of Bell has a total population of 47,602 as of the last Federal census, and its population is rapidly increasing,

(7) That currently and heretofore, the amount of business of the Bell Circuit Court is heavy and much more than in many single districts now existing, and circuit court is held in both Middlesboro and Pineville and the business of Bell County combined with the business of Leslie County makes it difficult for the court to properly take care of the business of both counties; that the combined business of the Counties of Clay, Laurel and Jackson as the 27th Judicial District as it now exists is too much; and the combined business of Knox, Laurel, and McCreary as the 34th Judicial District as now existing is too much, and that these counties should be re-arranged and re-grouped,

(8) That in the present 41st Judicial District as it now exists composed of the counties of Bell and Leslie, in order to go from one county seat to the other, by the usual means of travel, it is necessary to travel through the county of Harlan; that the counties of Clay, Leslie and Jackson, are contiguous and there is a good highway connecting the county seats of these counties, and they have many interests in common and are geographically, commercially and otherwise homogeneous.

(9) That the counties of McCreary and Whitley join each other; and the counties of Knox and Laurel join each other,

(10) That it will be convenient and advantageous from the standpoint of business, territory and population, and will

comply with the spirit and intent of the Constitution and expedite the business of the courts, and make it more convenient to the citizens of the counties involved, to create a new Judicial District of the county of Bell, and to change the 41st Judicial District so that it will be composed of the counties of Clay, Leslie, and Jackson; and to change the 27th Judicial District so that it will be composed of the counties of Laurel and Knox; and to change the 34th Judicial District so that it will be composed of the counties of Whitley and McCreary.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Twenty-seventh Judicial District shall hereafter be composed of the counties of Knox and Laurel.

Section 2. The Thirty-fourth Judicial District shall hereafter be composed of the counties of Whitley and McCreary.

Section 3. The Forty-first Judicial District shall hereafter be composed of the counties of Clay, Jackson and Leslie.

Section 4. A new judicial district is established to consist of the county of Bell and be numbered the Forty-fourth Judicial District.

Section 5. The present Circuit Judge and Commonwealth's Attorney for the Twenty-seventh Judicial District as now constituted shall retain their respective offices for the time for which they were elected, for the Twenty-seventh Judicial District as changed under this Act, provided the present Commonwealth's Attorney, being a resident of Clay County, shall not be allowed to retain his said office unless he shall remove his residence, within a reasonable time, into one of the counties of the Twenty-seventh Judicial District as changed under this Act.

Section 6. The present Circuit Judge and present Commonwealth's Attorney for the Thirty-fourth Judicial District as now constituted shall retain their respective offices for the time for which they were elected, for the Thirty-fourth Judicial District as changed under this Act.

Section 7. The present Circuit Judge and Commonwealth's Attorney for the Forty-first Judicial District as now constituted, shall retain their respective offices for the times for which they were elected, for the said Forty-first Judicial District, as it is changed under this Act, provided, that the present Commonwealth's Attorney for the present Forty-first Judicial District, being a resident of Bell County, shall not be allowed to retain his said office, unless he shall remove his residence, within a reasonable time, into one of the counties of the Forty-first Judicial District as now changed under this Act.

Section 8. The offices of Circuit Judge and Commonwealth's Attorney for the new judicial district as established under this Act, being the Forty-fourth Judicial District, are hereby created. Until the regular election for Circuit Judges and Commonwealth's Attorneys, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

Section 9. The regular term of each court in the judicial districts dealt with in this Act shall commence in each county at the following named times and places, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-seventh District. Laurel County, second Monday in January, thirty juridical days; first Monday in April; first Monday in June; and first Monday in October, twenty-four juridical days each;

Knox County, at Barbourville, third Monday in February, thirty juridical days; first Monday in May; first Monday in September, and first Monday in November, twenty-four juridical days each.

Thirty-fourth District. Whitley County, at Williamsburg, second Monday in January, thirty juridical days; first Monday in April; first Monday in June, and first Monday in October, twenty-four juridical days each;

McCreary County, at Whitley City, third Monday in February, thirty juridical days; first Monday in May; first Monday in September, and first Monday in November, twenty-four juridical days each.

Forty-first District. Leslie County, a Hyden, second Monday in January; first Monday in May, and first Monday in October, twenty-four juridical days each.

Clay County, at Manchester, first Monday in March; first Monday in June, and first Monday in November, twenty-four juridical days each.

Jackson County, at McKee, first Monday in April; first Monday in September; and first Monday in December, twenty-four juridical days each.

Forty-fourth District. Bell County, at Pineville, and at Middlesboro, on the second Monday in January, and the first Monday in February, eighteen juridical days each; on the first Monday in March; twenty-four juridical days; on the first Monday in April and the first Monday in May, eighteen juridical days each; on the first Monday in June, twenty-four juridical days; on the first Monday in September, eighteen juridical days; on the first Monday in October, twenty-four juridical days; on the first Monday in November, eighteen juridical days.

Section 10. This Act shall take effect on the eleventh day of August, 1954.

Section 11. If any provisions or portions of this Act, or the applications of such provisions or portions to any judicial district or distrcits affected hereby should be held invalid, the remainder of this Act, and the application of such remaining provisions to any other judicial district or districts shall not be affected thereby.

By Mr. Taylor.

H. B. No. 131. AN ACT relating to advance fees of circuit clerks and amending Section 64.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.030 of the Kentucky Revised Statutes is amended to read as follows:

Unless the plaintiff has established his right to prosecute as a poor person under KRS 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect fifteen dollars and apply it as a credit on the clerk's fees accruing in the action.

By Mr. Burnley.

H. B. No. 132. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as it may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss with on reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud

cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

By Mr. Bartley, Mr. Mann.

H. B. No. 133. AN ACT relating to the payment of tax on gasoline used in farm tractors and stationary engines, and amending Sections 138.344 to 138.351 and 138.354, 138.355 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

Any person who shall use any gasoline, other than on public highways, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall not be required to pay the tax imposed by KRS 138.220, but shall pay to the dealer from whom such gasoline is purchased a tax of one cent per gallon of gasoline purchased. If less than fifty gallons of gasoline are purchased at any one time, then the full amount of the tax as imposed by KRS 138.220 shall be paid at the time of purchase.

Section 2. Section 138.345 of the Kentucky Revised Statutes is amended to read as follows:

No person shall secure the tax exemption provided for in Section 1 of this Act unless such person is the holder of an unrevoked tax exemption permit issued by the Department of Revenue before the purchase of the gasoline, which permit shall entitle such person to the tax exemption provided for in Section 1 of this Act. To procure a permit every person shall

file with the department an application under oath, or forms furnished by the department, setting forth such information incident to the securing of the tax exemption provided for in Section 1 of this Act as the department may require. Such application shall be filed with the department at least fifteen days before the date when the permit is to become effective.

Section 3. Section 138.346 of the Kentucky Revised Statutes is amended to read as follows:

The department may, if the applicant for a tax exemption permit has violated any provision of KRS 138.343 to 138.357 or regulation pursuant thereto, or has been convicted of bribery, theft or false swearing within the period of five years preceding the application, or if the department has evidence of the applicant's financial irresponsibility, require the applicant to execute a corporated surety bond of one thousand dollars to be approved by the department, conditioned upon the payment of all taxes, penalties and fines for which such applicant may become liable under KRS 138.343 to 138.357.

Section 4. Section 138.347 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensed gasoline dealer shall, in accordance with the department's requirements, keep at his principal place of business in this Commonwealth a complete record of all such gasoline sold by him under gasoline tax exemption invoices provided for in KRS 138.351, which records shall give the date of each such sale, the number of gallons sold, the name of the person to whom sold and the sale price.

(2) The records required to be kept under subsection (1) of this section shall at all reasonable hours be subject to inspection by the department or by any person duly authorized by it. Such records shall be preserved and shall not be destroyed until one year after the date the gasoline to which they relate was sold.

Section 5. Section 138.348 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may require any dealer or any dealer's authorized agent to identify the tax exempt gasoline pro-

vided for in Section 1 of this Act sold by him by adding thereto any chemical or substance, which shall be furnished by the department and used in the manner as prescribed by the department.

(2) Such gasoline shall not be sold in quantities of less than fifty gallons. The tax exemption permit holder shall receive and store all such gasoline in containers plainly marked with distinguishing letters "tax exempt gasoline," and shall keep such containers on his premises accessible to agents of the department and separate from other gasoline stored on his premises.

(3) Agents of the department are authorized to go upon the premises of any tax exemption permit holder or of any licensed gasoline dealer or his authorized agent as defined in KRS 138.343 to make inspections to ascertain any matter connected with the operation of KRS 138.343 to 138.357 or the enforcement thereof; provided, however, that no agent shall enter the dwelling of any person without the occupant's consent or authority from a court of competent jurisdiction.

Section 6. Section 138.349 of the Kentucky Revised Statutes is amended to read as follows:

No person shall execute a gasoline tax exemption invoice, as described in KRS 138.351, who is not a dealer, as defined in subsection (2) of KRS 138.210 or a sub-jobber duly authorized by a licensed dealer, to execute gasoline tax exemption invoices as his agent. In no instance shall tax exemption invoices be executed for purchases from retail filling stations.

Section 7. Section 138.351 of the Kentucky Revised Statutes is amended to read as follows:

(1) When gasoline is sold to a person who shall claim to be entitled to a tax exemption under Section 1 of this Act, the seller of such gasoline shall make out in duplicate, with double back carbon, a gasoline tax exemption invoice supplied by the department, which invoice shall have printed thereon that the liability to the Commonwealth of Kentucky for the excise tax imposed under KRS 138.220 with respect to such gasoline has been assumed by the seller and that said excise

tax has already been paid or will be paid by the seller, when the same shall become payable that the purchaser has paid a tax of one cent per gallon on each gallon of gasoline purchased, a statement setting forth the name and address of the purchaser, the number of gallons of gasoline so sold, the proposed use for which such gasoline is purchased, and such other information as the department shall require. The original of such gasoline tax exemption invoice shall be given to the purchaser and the duplicate shall be retained by the seller.

(2) The seller shall file with the department an application for refund of that portion of the excise tax imposed under KRS 138.220 paid by him, less the amount of one cent per gallon of gasoline previously paid by the purchaser, to the seller, on forms furnished by the department, stating the quantity of gasoline sold for the purposes as set out in KRS 138.344, and the amount of tax paid on such gasoline by the purchaser. Such application shall be accompanied by the original invoice, or certified copy thereof, showing such sale. When the department is satisfied that a refund is proper, it shall authorize refund, in the same manner as other refunds are made, of ninety percent of the amount of the tax paid by the seller, less the amount of one cent per gallon of gasoline previously paid by the purchaser to the seller.

(3) The right to receive any refund under the provisions of this section shall not be assignable, except to the executor or administrator, or to the receiver, trustee in bankruptcy, or assignee in insolvency proceedings of such person entitled thereto.

Section 8. No dealer, as defined in subsection (2) of Section 138.210 of the Kentucky Revised Statutes, shall secure a refund of tax under Section 7 of this Act unless such dealer is the holder of an unrevoked refund permit issued by the Department of Revenue before the purchase of the gasoline, which permit shall entitle such person to make application for a refund. To procure a permit every such dealer shall file with the department an application under oath, on forms furnished by the department, setting forth such information incident to the refunding of the tax paid on gasoline as the department may

require. Such application shall be filed with the department at least fifteen days before the date when the permit is to become effective.

Section 9. The department may, if the applicant for a refund permit has violated any provision of this Act or regulation pursuant thereto, or has been convicted of bribery, theft or false swearing within the period of five years preceding the application, or if the department has evidence of the applicant's irresponsibility, require the applicant to execute a corporate surety bond of one thousand dollars to be approved by the department, conditioned upon the payment of all taxes, penalties and fines for which such applicant may become liable under this Act.

Section 10. Section 138.354 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall make a false or fraudulent statement in an application for a refund permit or in an application for a tax exemption permit, or in a gasoline tax exemption invoice, or in an application for a refund of any taxes provided for in this Act; or fraudulently obtain a refund of such taxes; or knowingly aid or assist in making any such false or fraudulent statement or claim; or having bought gasoline under the provisions of this Act, shall use or permit such gasoline or any part thereof to be used for any purpose other than as provided in Section 1 of this Act.

(2) The refund permit of any dealer or the tax exemption permit of any purchaser who shall violate any provision of subsection (1) of this section shall be revoked by the Kentucky Tax Commission, and may not be reissued until two years have elapsed from the date of such revocation.

(3) The refund permit of any dealer or the tax exemption permit of any purchaser who shall violate any provision of this Act, other than those contained in subsection (1) of this section, may be suspended by the Kentucky Tax Commission for any period in its discretion not exceeding six months.

(4) If a dealer violates any provision of this Act, his privilege to sign gasoline tax exemption invoices may be sus-

pended by the Kentucky Tax Commission for a period of not more than two years. No tax exemption shall be allowed on gasoline purchased from a dealer while a suspension of his privilege to sign gasoline tax exemption invoices is in effect.

Section 11. Section 138.355 of the Kentucky Revised Statutes is amended to read as follows:

If the department reasonably believes that any dealer or tax exemption permit holder has been guilty of a violation of any provision of this Act, which would subject the dealer or tax exemption permit holder to a suspension or revocation of his license or permit under the provisions of subsections (2), (3) or (4) of Section 10 of this Act, said dealer or tax exemption permit holder may be cited by the department to show cause at a public hearing before the Kentucky Tax Commission why his license or permit should not be suspended or revoked. The dealer or tax exemption permit holder shall be notified by registered letter or summons. The letter or summons shall inform the dealer or tax exemption permit holder of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license or permit may be revoked or suspended. The summons may be served by the same officers or persons and in the same manner as provided by law, or it may be served in said manner by an employe of the department. The hearing shall be set at least five days after the summons is served or the letter delivered. Any aggrieved dealer or tax exemption permit holder may appeal from an order of the Kentucky Tax Commission to the Franklin circuit court in the manner provided for appeals from other of its rulings, subject to the condition that he make bond sufficient in the opinion of the department to protect the Commonwealth from loss of revenue.

By Mr. Holsclaw.

H. B. No. 134. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.630 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the first class, the salary of deputies, appraisers and assistants shall be fixed by the Department of Revenue. The total amount allowed for salaries for the county tax commissioner, his deputies, appraisers and assistants and all other expenses of the office including transportation expenses for himself and deputies, shall not exceed in the aggregate the amount determined under KRS 132.590.

By Mr. Dressman and Mr. Cosby.

H. B. No. 135. AN ACT relating to members of boards of regents of state colleges, and amending subsection (1) of Section 164.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 164.320 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of regents of each of the state colleges shall consist of the Superintendent of Public Instruction, who shall be chairman of each board, and four members appointed by the Governor, one of whom shall be an alumnus of the college on whose board he serves. The appointive members shall hold office for a term of four years from April 1 succeeding their appointment and until their successors are duly appointed and qualified. The appointments shall be made at the expiration of the term of the members appointed pursuant to Chapter 65 of the Acts of 1934, and thereafter as the terms expire. Not more than two appointive members of any board shall be residents of one county, and not more than three members of any board, including the Superintendent of Public Instruction, shall belong to the same political party. No member of any board shall be held to be a public officer by reason of his membership on the board, nor shall membership on the board be incompatible with any public office. Appointments to fill vacancies shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpected term. Each appointed member of each board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

By Mr. Dempsey.

H. Res. No. 25. A JOINT RESOLUTION authorizing Mitchell Preston to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mitchell Preston is authorized to sue the Department of Highways and the Commonwealth of Kentucky, or either, in the Lawrence Circuit Court, for damages and medical expenses resulting from personal injuries, loss of time and property damages, caused by alleged negligence on the part of the Department of Highways, by and through its officers, agents and employes acting or failing to act in the line of their duties.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

COMMITTEE REPORTS

Mr. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 50. AN ACT authorizing and adding one additional judge to the circuit court for the 35th circuit court district; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said circuit court, and providing for the manner in which said court shall be held and the business therein conducted.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 67. AN ACT relating to the terms of court in the Twenty-third Judicial District.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 15. AN ACT to authorize and add one additional judge to the circuit court for the seventeenth circuit court district, and providing for the appointment and election thereof.

H. B. No. 24. AN ACT relating to qualifications of members of Police and Fire Departments in cities of the fourth and fifth classes, and amending Section 95.710 of the Kentucky Revised Statutes.

H. Res. No. 13. A JOINT RESOLUTION petitioning Congress to continue to maintain and operate locks on the Kentucky River.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

Ordered that said bills and resolution be placed in the Orders of the Day.

Mr. Lowman moved that the House recess for thirty minutes for the purpose of holding committee meetings.

Said motion was agreed to.

The thirty minutes having expired, the Speaker resumed the chair.

Mr. Lowman moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Lowman moved that Mary Hadley Roberts, and Katie Cox be made honorary pages.

Said motion agreed to.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 70—Ky. Statutes No. 1

House Bill No. 71—Criminal Law

House Bill No. 72—Ky. Statutes No. 1

House Bill No. 73—Ky. Statutes No. 1

House Bill No. 74—Ky. Statutes No. 1

House Bill No. 75—Ky. Statutes No. 1

House Bill No. 76—Forestry, State & National Parks

House Bill No. 78—Ky. Statutes No. 1

House Bill No. 79—Ky. Statutes No. 1

House Bill No. 80—Ways and Means

House Bill No. 81—Ways and Means

House Bill No. 82—Ky. Statutes No. 2

House Bill No. 83—Ways and Means

House Bill No. 84—Ky. Statutes No. 1

House Bill No. 85—Ky. Statutes No. 1

House Bill No. 86—Cities of the Second Class

House Bill No. 87—Cities of the First Class

House Bill No. 88—Ky. Statutes No. 1

House Bill No. 89—Elections

House Bill No. 90—Agriculture

House Bill No. 91—Appropriations

House Bill No. 92—Ky. Statutes No. 1

House Bill No. 93—Labor

House Bill No. 94—Public Utilities

House Bill No. 95—Appropriations

House Bill No. 96—Ways and Means

House Bill No. 97—Ways and Means

House Bill No. 98—Cities of the Third Class

House Bill No. 99—Courts and Legal Procedure

House Bill No. 100—Ky Statutes No. 1

House Bill No. 101—Insurance

House Bill No. 102—Ways and Means

House Bill No. 103—Cities of the Second Class

House Bill No. 104—Constitutional Amendments

House Bill No. 105—Cities of the Sixth Class

House Bill No. 106—Ky. Statutes No. 2

House Bill No. 107—Public Utilities

House Bill No. 108—Judiciary and Judicial Council

House Bill No. 109—Regulation of Intoxicating Liquors

House Bill No. 110—Cities of the Second Class

House Bill No. 111—Fish and Game

House Bill No. 112—Regulation of Intoxicating Liquors

House Bill No. 113—Labor

House Bill No. 114—Elections

House Bill No. 115—Cities of the Third Class

House Bill No. 116—Cities of the Second Class

Senate Bill No. 17—Ky. Statutes No. 1

Senate Bill No. 22—Cities of the Fifth Class

House Resolution No. 19—Ways and Means

House Resolution No. 20—Committee on Claims

House Resolution No. 21—Committee on Claims

House Resolution No. 22—Committee on Claims

House Resolution No. 23—Committee on Claims

House Resolution No. 24—Committee on Claims

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 35. AN ACT relating to members of city council and city officers in cities of the fourth class, and amending subsection (1) of Section 86.050 of the Kentucky Revised Statutes and Section 86.230 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 86.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Members of the city council shall be elected for terms of two years.

Section 2. Section 86.230 of the Kentucky Revised Statutes is amended to read as follows:

All city officers, including members of the city council, shall

take office on the first Monday in January following their election or appointment. Any officer appointed by the city council shall be appointed by the council elected at the November election preceding the commencement of his term.

Mr. McClanahan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. McClanahan moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	C. E. Dowell
Walter J. Bailey	Charles W. Buchanan	James A. Dressman, Jr.
John Rhea Banton	Harry M. Caudill	O. O. Duncan
Wallace Bartley	Cassius M. Clay	Harold Edmonds
Charles E. Baumgardner, Sr.	Paul Cobb	Addison L. Everett
Leo A. Bleemel	William J. Conley	Herbert Fern
J. Murray Blue	R. Josh Cosby	Thomas P. Fitzpatrick
J. C. Bradley	Vernor O. Cottengim	Cabell D. Francis
Edward T. Breathitt, Jr.	Charles W. Craig	W. L. Hadden
Edward O. Bridgers	W. Marvin Davis	C. Ruby Harralson
	John L. Day	George F. Harris
	Albert Dempsey	

Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. McClanahan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 51. AN ACT to exclude labor disputes from the operation of the Motor Carriers Act, Chapter 281, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.685 of the Kentucky Revised Statutes is amended by adding thereto the following subsection:

(3) Provided, That nothing contained in this section shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required by law to recognize.

Mr. Fitzpatrick offered the following amendment and moved its adoption:

Amend printed copy of H. B. No. 51 on page 1, section 1, lines 1, 2 and 3—strike lines 1, 2 and three and insert in lieu thereof the following: "Nothing contained in KRS 281.685 shall"

Said motion was agreed to.

Said amendment adopted.

Mr. Fitzpatrick offered the following amendment and moved its adoption:

Amend printed copy of H. B. No. 51 on page 1, section 1, line 7—amend line 7 by inserting the word "Lawful" before the word strike.

Said motion was agreed to.

Said amendment adopted.

Mr. Weintraub offered the following amendment and moved its adoption:

Amend printed copy of H. B. No. 51 on page 1, section — line 6 by inserting words: "except when that person is transporting perishable or medical supplies" between the words "employer" and "if".

Said motion was agreed to.

Said amendment adopted.

Mr. Weintraub moved the Previous Question.

Whereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Weintraub moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn

Robert Reid	Mrs. Thelma L. Stovall	Morris Weintraub
Russell Reynolds	E. H. Stumbo	Hicks Wells
Lloyd E. Rogers	C. Waitman Taylor	Mrs. Randolph Wilson
Joe Rouse	James Treadway	Charles W. Wirsch
William A. Routh	Eulick Walsh	Walker H. Wiseman
Cecil C. Sanders	W. W. Webster	Dr. Clyde D. Wooton
LeRoy Saylor		
W. R. Smith		

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Those who voted in the negative were—

Wallace Bartley	William M. Horn	Louis T. Peniston
J. C. Bradley	James W. Lambert	Paul T. Ratcliffe
Addison L. Everett	William J. Marcum	Warren D. Williams
Harold G. Helm	Alton B. Mitchell	T. D. Winstead
David Heskamp	Walter R. Moorman	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House adjourn until 10:00 A. M. Thursday, January 28, 1954.

Said motion agreed to.

And the House was then adjourned.

THURSDAY, JANUARY 28, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Harold Edmonds, member of the House and Representatives of the County of Pike.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Wednesday, January 27, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that Assistant Attorney General of Florida, Honorable Charles Tom Henderson, be granted the privilege of the floor for the day.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to the following members, viz: Mr. Billington, Mr. McFadden, Mr. L. M. Tipton Reed, Mr. Smith and Mr. Weintraub.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Stumbo.

H. B. No. 136. AN ACT relating to penalty for late renewal of motor vehicle operator's licenses, and amending subsection (2) of Section 186.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 186.410 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) There shall be a penalty of $1.00 for the renewal of any license which is renewed after the date on which it expires by operation of this or any other law. This section shall not apply to members of the Armed Forces of the United States.

By Mr. Dempsey.

H. B. No. 137. AN ACT relating to the admission of persons to practice law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any applicant who is a resident and who possesses an L.L.B. Degree from a Law School within the Commonwealth of Kentucky which is approved by the American Bar Association or by the Association of American Law Schools, shall upon motion be admitted without examination to the Bar of this State.

By Mr. Jones.

H. B. No. 138. AN ACT relating to support of forage, pasture and grassland farming in Kentucky, and to appropriate money therefor.

Said bill is as follows, viz:

WHEREAS, Kentucky, situated between the corn and the cotton belts and having mostly a rolling topography, is naturally a pasture state, with approximately two acres in pasture and meadow for every one in grain and tobacco, and,

WHEREAS, counting the proportion of livestock income due to forage and the proportion of yields of other crops due to the effects of sod-crop growth, hay and pasture are Kentucky's most productive sources of farm income, exceeding the income from tobacco in the late forties by some $30,000,000.00 a year, and,

WHEREAS, the potentialities of improving Kentucky farm income through improved grass farming are large, but require development through a strengthened program of forage-crop research and educational activities,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The program of the Kentucky Agricultural Experiment Station in the field of forage-crop breeding and research in the development of grassland farming is recognized and established. Such program shall be continued and extended, especially in the establishment and maintenance of good pastures. For this purpose there shall be available to the Kentucky

Agricultural Experiment Station such sums as may, from time to time, be appropriated for the purpose by the General Assembly.

Section 2. For the purpose of this Act there is hereby appropriated to the Kentucky Agricultural Experiment Station, out of the General Expenditure Fund of the State Treasury, the sum of $50,000.00 per year for each of the fiscal years 1954-55 and 1955-56, without lapse in the year 1954-55.

By Mr. Jones, Mr. Harris, Mr. Wiseman, Mr. Banton, Mr. Bleemel, Mr. Ratcliffe, Mr. Bridgers, Mr. Montgomery, Mr. Holsclaw, Mr. Morris, Mr. Rayburn, Mr. Hadden, Mr. Peniston, Mr. Rouse, Mr. Davis, Mr. Young, Mr. Rogers, Mr. Sanders, Mr. Brown, Mr. Moorman, Mr. Cosby, Mr. Lovelace, Mr. Kearby and Mr. Fern.

H. B. No. 139. AN ACT relating to rabies and dog control an livestock and dog protection, with provisions making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the declared policy of the state that rabies is a disease which is dangerous to the public health and as such its spread should be effectively controlled.

Section 2. For the purposes of this Act, the following terms shall have the meanings set forth below unless the context requires otherwise:

(1) "Dog" shall include all members of the canine family, six months of age or over.

(2) "Owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog, and every person who keeps or harbors such dog, or has it in his care, or acts as its custodian, or who permits it to remain on or about premises owned or occupied by him.

(3) "Vaccination" or "Immunization" means the injection by a veterinarian or other qualified person of vaccine approved

by the Bureau of Animal Industry, U. S. Department of Agriculture, in amounts approved by the Kentucky Veterinary Medical Association.

(4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky and accredited by the Bureau of Animal Industry, U. S. Department of Agriculture.

(5) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(6) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(7) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(8) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(9) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(10) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(11) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(12) "Board of Agriculture" shall mean the State Board of Agriculture.

(13) "Health Department" means the Department of Health.

(14) "Health Commissioner" means the Commissioner of Health.

(15) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(16) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Act.

(17) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(18) "Qualified person" means a person granted a permit to administer vaccine by the State Board of Health for the vaccination or immunization of animals against rabies.

Section 3. (1) On or before September 1, 1954 and on or before September 1 of each year thereafter, the owner of any dog six months old or over shall have his dog vaccinated against rabies. The veterinarian who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate; one copy to be retained by the issuing veterinarian, one copy to be forwarded by the veterinarian to the local health department, provided, however, that in the event no local health department is maintained the certificate shall be forwarded to the State Department of Health and one copy to be retained by the owner of the dog vaccinated. Each certificate shall bear the name and address of the veterinarian who issued it. Along with the issuance of the certificate, the veterinarian shall furnish each owner with a serially numbered metal tag bearing the same number as the certificate and the year issued. It may bear the name of the issuing veterinarian. The tag shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the

dog. Provided, however, that the State Board of Health, in its sound discretion, may by such rules and regulations as it deems advisable:

(a) Except from the provisions of this section the owners of the dogs in any county or counties in which the incidence or rabies decreases sufficiently to warrant such action.

(b) Extend the period required for re-vaccination if and when a new vaccine is developed which will give a longer period of immunity than vaccine in use at the present time.

(c) Authorize qualified persons other than veterinarians to administer vaccinations when conditions and circumstances so warrant.

(d) Exempt from the provisions of this section the owners of dogs which are brought into this state for show purposes for a period not to exceed 30 days.

(e) Exempt from the provisions of this section the owners of dogs which are continuously kennelled and confined.

(2) Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog revaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 4. Whenever vaccination or immunization facilities or veterinary services are not readily available or do not meet the entire needs of a county, the State Department of Health may contract with veterinarians or other qualified persons to vaccinate dogs or animals at scheduled mass immunization clinics, such vaccinations to be administered at the minimum

cost at which the Department finds proper services can be arranged for, but in no instance at fees in excess of $1.50 per dog or animal vaccinated, to be paid by the owner to the State Department of Health. Fees so collected by the State Department of Health shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 5. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, such Board shall serve public notice by publication in a newspaper of general circulation in such county, requiring the owners of dogs, or other animals so specified, to confine them for such periods as may be necessary to prevent the spread of rabies, and when it shall be deemed advisable in the interest of public health the local board of health shall order all dogs re-vaccinated against rabies and if they fail or neglect to do so then, the State Department of Health may order the re-vaccination of all dogs or other pet animals so confined except, however, animals that have been previously vaccinated within the past six months under the provisions of this Act, and the State Department of Health may aid the local health Department in the execution of such emergency vaccinations.

Section 6. Every physician shall within twelve (12) hours after his first professional attendance of a person bitten by a dog, cat or other animal report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends the report shall be made by his parents or guardian. If any adult is bitten and no physician attends he or the person caring for him shall make the report.

Section 7. The State Board of Health may administer the provisions of this Act through the local health departments as deemed advisable and may make such rules and regulations and employ such professional or lay personnel as are necessary to effectuate the purposes of this Act.

Section 8. A health officer or his agent shall have the

authority to quarantine for a period of fourteen days any dog which has been bitten by another dog or animal which is known or is suspected of having rabies, or which has bitten a human being or which exhibits symptoms of rabies. Such dog may be quarantined by the health officer at a designated place at the owner's expense.

Section 9.

(1) Any owner who fails to have his dog vaccinated against rabies in accordance with Section 3 or Section 5 of this Act shall be punished by a fine of $20.00 or by imprisonment for not more than 30 days and each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries which may be sustained by anyone by the bite of such dog, if rabid.

Section 10. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury to be deposited in a trust and agency fund for the purpose of carrying out the provisions of this Act, the sum of thirty thousand $30,000 dollars.

Section 11. On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides, or such other agent as hereinafter provided for in this Act, for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $2.00 for each dog. Any license issued for the year of 1954 before July 1, 1954, will be effective until July 1, 1955. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses either directly or through other agents; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be

paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund, which fund shall be expended for carrying out enforcement provisions and for the payment of livestock, poultry and dog losses as hereinafter set out in this act. Provided, however, that if the Joint Committee, as hereinafter set out, shall find it to be in the interest of maximum enforcement of the Act to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, then nothing in this Act shall prevent the Department of Agriculture from allowing such portions of the license fee to be so retained by the counties.

Section 12. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the Department to be in a reasonable relationship to the cost involved. The Department may, if the Joint Advisory Committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

Section 13.

(1) The tag provided for in Section 12 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferable to another dog except as provided in Section 16 of this Act.

(3) Except when a tattoo is used as provided in Section 12 of this Act, any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings

under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 14. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 15.

(1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 11 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and $15.00 for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 11 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 16.

(1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licenses of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 17.

(1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside

the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this Section shall be considered as if never licensed.

Section 18. Each sheriff or other agent as provided in Section 11 of this Act, shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 19. The Agriculture Commissioner shall be charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs, but enforcement and regulation of vaccinations provisions shall be fully under the supervision and control of the Health Department as set out in other sections of this Act. The Commissioner may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of licensing provisions of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and, insofar as consistent with established law governing such peace and police officers, may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 20. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner or

his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association, and one from a list of three persons nominated by Kennel Clubs of Kentucky, and one from a list of three persons nominated by the Kentucky Veterinary Medical Association. In the event one or more of the organization herein named should cease to exist, or for any other reason should fail to make nominations, then the Governor shall name one or more other non-governmental but interested organizations which shall be asked to nominate three persons each, in order that full membership of the Committee may be maintained. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The Committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties. The Committee shall be non-partisan, not more than three of the last five named members herein provided for being affiliated with any one political party.

Section 21.

(1) All Costs and expenses incident to the enforcement of the Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $200,000 in any fiscal year except upon approval of the committee. There shall be appropriated to the Department of Agriculture $30,000 for the fiscal year 1954-55 for the purpose of initiating provisions of this Act which fall under the supervision and control of the Agriculture Department.

Section 22.

(1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the states of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 23.

(1) It shall be within the authority of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dg, and unaccompanied by the owner or keeper. Any police or peace officer is hereby authorized and empowered to go upon any premises to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by

reason of its detention, under the provisions of this section, before the dog is returned. If, after seven days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Department and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if a police officer, after diligent effort to do so, should fail to seize such a dog, it shall then become his duty to destroy the dog by any reasonable and humane means. Any such dog which a police officer is successful in seizing shall be impounded for three days, and if unclaimed by the owner or sold in accordance with other provisions of this Act, then such dog may be destroyed in some humane manner.

Section 24. If an officer other than one employed directly by the enforcement division of the Department of Agriculture seizes and impounds a dog, or destroys a dog, as set forth in subsection (2) of Section 23 of this Act, then such officer shall be remunerated in accordance with a schedule of fees to be determined by the Department of Agriculture, subject to concurrence of the Joint Committee. All expenses incurred under this or the preceding section and not otherwise provided for shall be paid by the Agriculture Department from the Livestock Fund.

Section 25.

(1) It shall be unlawful for any police or peace officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 26.

(1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There will be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it isin the field of inclosure, without liability or or responsibility of any nature for such killing.

(3) Sub-section (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police of Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein, If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the promises of the owner or keeper, such official shall order the said owner or keeper to hence forth keep such dog securely confined.

(5) For his services in such proceedings, the Judge of Jus-

tice of the Peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases, In all proceedings under this section, such court shall place the cost upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killings.

Section 27.

(1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 26 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

Section 28. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 29.

(1) The owner of keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dogs:

(a) confined within an inclosure from which it cannot escape, or

(b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or

(c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler. Under this section, a hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, then such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler. Under this subsection, however, a police officer shall be under a duty to make a fair and reasonable effort to determinewhether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner or handler, and if he is reasonably sure of the dog to be such a hunting dog then the police officer shall not destroy the dog, unless such dog is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

Section 30.

(1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because

of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Argiculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to s ch claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, wo was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed bythe appraiser, the owner and appraiser may apoint a disinterested citizens to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at seven cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 31.

(1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceeding, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the Commissioner does not approve the appraisal report, he shall ascertian the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the

owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made by the State out of the Livestock Fund.

Section 32.

(1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the State for any livestock or poultry killed or injured by a dog, such payment shall not exceed $100.00 for each horse or mule; $125.00 for each head of registered cattle; $100.00 for each head of unregistered cattle; $20.00 for each head of unregistered swine, sheep, or goats; $40.00 for each head of registered swine, sheep, or goats; $3.00 for each full-grown goose; $5.00 for each full-grown turkey; and $1.00 for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry, killed or injured.

Section 33. Owner of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by section 30 and 31 of this Act, except that no claim shall exceed $100.00.

Section 34.

(1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have been accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1954, shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such

claims shall be paid out of the available funds, of the proper counties, and for such purpose the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1955, shall be paid from the Livestock Fund to the extent of available funds as determined by the Committee and in the order of their presentation; provided, however, that no such claims presented after December 31,1956, shall be so paid.

Section 35.

(1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this Act for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agricultrue Department, shall destroy such dog whereever found. For such service he shall be entitled to a fee of one dollar for each dog destroyed, to be paid out of the Livestock Fund upon presentation to the Agricultrue Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Live-

stock Fund for any damage to his livestock or poultry by dogs.

Section 36. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 37.

(1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of Livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part htereof, Upon receipt of such petition, the Agriculture Departmen may, throught its authorized agents, have an investigation made of the fact alleged therein, and if convinced that conditions in such city, county, or such designated area demand such strigent measured, may establish a dog quarantine therein.

(2) When such a quarantine is established, at least ten notices therein shall be posted throughout the area affected thereby, and notice thereof shall also be publisehed in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area af ected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premised where it is kept, unless accompained by and under the control of the owner or handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 38. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable

for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30,1955, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injur to: or damage of livestock, poultry, or licensed dog must happen or occur after June 30, 1955.

Section 39.

(1) On July 1,1955, or as much in advance of that date as the Board of Agriculture, acting with concurrence of the Committee, shall determine that it is reasonable and practical to do so, arrangements shall be made for the establishment of and/or or maintenance of a dog pound and the employment of a Dog Warden in each county of the state, as a means of facilitating the administration of control measures of this Act; provided, however, that in counties of small population arrangements may be made for the joint establishment and/ or operation of dog pounds by two or more counties on a mutually satisfactory basis, and provided, also that instead of setting up pounds, one or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, municipalities, humane societies, or other organizations or individuals. The setting up of pounds and/ or arranging for pound facilities, and the employment of Dog Warden shall be within the jurisdiction of the fiscal courts of the respective counties, acting with concurrence of the Committee, and under such authority the ficcal courts shall be empowered to adopt and enforce regulations relative to pound standards, the naming of person or persons who whall serve as Dog Wardens, providing for the fixing of salaries of Wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan. In exercising such authority, the fiscal courts of the counties shall be under a duty to make such arrangements and appointments at such time or times as the Board of Agriculture, acting with concurrence of the Committee, shall

deem reasonable and proper to determine that such requirements under this Act shall be put into effect.

(2) As a means of providing a portion of the funds for setting up and/ or operation of dog pounds, seventy-five cents out of the $2.00 paid for every dog license sold in each county shall be credited by the Department of Agriculture to a special enforcement fund to be refunded to the respective counties on a pro-rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the Dog Warden and the dog pound plan. It is further provided that, insofar as consistent with existing obligations of the state, the Dog Wardens shall replace the sheriffs as agents charged with the duty to sell dog licenses in the respective counties, and each such Dog Warden shall be entitled to retain 25c from the amount collected for each dog license sold by him or his assistants; provided however, that nothing in this Act shall prevent the fiscal courts from appointing deputy sheriffs as Dog Wardens in counties where such appointments are determined by the Department of Agriculture, acting with concurrence of the Committee, to be in the best interest of enforcement provisions of this Act, and provided further that Dog Wardens may be designated as agents of this Department of Agriculture for purposes of appraising livestock losses as set out in Section 30 of this Act.

Section 40. Nothing in this Act shall be construed to prohibit or limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the state Board of Health, or any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

Section 41.

(1) Except as provided by Section 9 of this Act, any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less that $5.00 not more than $100.00 or be imprisoned for not less that five nor more than sixty days or both so fined and inprisoned.

(2) All fine collected under sub-section (1) of this Section shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livesstock Fund.

Section 42. Except as provided in Section 35 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 43. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1957, and on the first day of January of any year thereafter any unencumbered sum in the excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

Section 44. The provisions of this Act shall be severable, and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of the Act. It is hereby declared as a legislative intent that this Act would have been adopted has such unconstitutional provisions not been included therein.

By Mr. Morris, Mr. Webster, Mr. Davis, Mr. Caudill, Mr. Rogers, Mr. Fern, Mr. Bleemel and Mr. Ratcliffe.

H. B. No. 140. AN ACT amending KRS 64.150, relating to fees of jailers and increasing certain fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding	$ 2.00
Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons	.50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.75
Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.75
Imprisoning and releasing a prisoner charged with a misdemeanor	.75

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt	.75
Keeping and dieting a prisoner charged with a felony or contempt, per day	1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ---------- .50

Each day's attendance upon the circuit court ------ 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

By Mr. Webster, Mr. Mobley and Mr. Wm. B. Wells.

H. B. No. 141. AN ACT relating to the appointment of deputy coroners, the holding of inquests, and amending Section 72.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 72.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the coroner is in the county and able to attend to his duties no person other than the coroner shall hold an inquest except a deputy coroner authorized by him to act as coroner. The coroner may appoint a maximum of two deputy coronors at no additional expense to the county or city, who may hold inquests and act as coroner in the absence of the coroner or at any time authorized by the coroner.

(2) Every deputy coroner shall execute bond with sureties approved by the county judge in the same manner as provided for coroners in KRS 72.010.

By Mr. Young.

H. B. No. 142. AN ACT relating to the issuance of motor vehicle operators' licenses and repealing subsection (2) of section 186.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 186.410 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Young.

H. B. No. 143. AN ACT relating to advance fees of circuit clerks, amending Section 64.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

Unless the plaintiff has established his right to prosecute as a poor person under KRS 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect fifteen dollars and apply it as a credit on the clerk's fees accruing in the action.

REPORTS OF COMMITTEES

Mr. Dressman, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 71. AN ACT relating to the hearing of criminal and penal cases, and amending section 23.160 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 14. A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest

L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Whereupon said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Edmonds, a member of Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 32. AN ACT relating to compensation of members of the General Assembly and the Lieutenant-Governor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each member of the General Assembly and the Lieutenant-Governor of the Commonwealth shall be paid each month, the sum of one-hundred dollars. The sum so received by each member of the General Assembly and the Lieutenant-Governor shall be applied in payment or reimbursement of official expenses in a manner determined by the members of the General Assmebly and the Lieutenant-Governor.

Section 2. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each member of the General Assembly and Lieutenant-Governor, for the sums prescribed in Section 1 of this Act. These sums shall be paid from the general fund.

Section 3. The sums provided for in Sections 1 and 2 of this Act shall not be paid when members of the General Assembly and the Lieutenant-Governor are in official session.

Section 4. Whereas, present economic conditions are such as to impose an unconscionable burden upon the General Assembly and the Lieutenant-Governor of the Commonwealth, and to create a threat to the expeditious administration by the members of the General Assembly and the Lieutenant-Governor of duties to their constituents, an emergency is declared to exist and

this Act shall take effect upon its passage and approval by the Governor.

With Committee amendment thereto by way of substitute, as follows, viz:

WHEREAS, at the present time the members of the General Assembly and the Lieutenant-Governor receive no recompense for expenses incurred by them while in Frankfort, Kentucky attending to the official duties of their offices while the General Assembly is in Session, except the sum of fifty dollars for stationery expense and mileage only one way to and from their respective places of residence; and

WHEREAS, it is common knowledge that the duties of the office as member of the General Assembly and Lieutenant-Governor require the incurring of extraordinary expenses during the Session of the General Assembly, including the maintenance of an additional place of abode; and

WHEREAS, it is unconscionable and unreasonable to require the members of the General Assembly and the Lieutenant-Governor to assume this added burden and expense, and that it is only fit and proper that said members and the Lieutenant-Governor be re-imbursed for said expense which is incurred as the result of their official duties requiring their presence in Frankfort, Kentucky;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in addition to any and all sums, compensation, or expenses now paid the members of the General Assembly and the Lieutenant-Governor, they, and each of them, shall be paid and receive the sum of Fifteen dollars for each of the legislative days which the General Assembly may be in Regular or Extraordinary Session, which sum shall be in full recompense of any additional expenses incurred in excess of that now received by them.

Section 2. The Commissioner of Finance shall, on the first and fifteenth day of each month, during the time the General

Assembly is in Regular or Extraordinary Session, draw his warrant on the Treasurer in favor of each member of the General Assembly and the Lieutenant-Governor of the sums set forth in Section 1 of this Act. These sums shall be paid from the general fund.

Section 3. Whereas, the failure to pay such expense to members of the General Assembly and the Lieutenant-Governor impose an unconscionable burden upon such persons, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor, and shall be retroactive to include any and all days of the 1954 Regular Session of the General Assembly which may have elapsed up to the date of the passage and approval hereof.

With an expression that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 50. AN ACT authorizing and adding one additional judge to the circuit court for the 35th circuit court district; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said circuit court, and providing for the manner in which said court shall be held and the business therein conducted.

H. B. No. 67. AN ACT relating to the terms of court in the Twenty-third Judicial District.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Ordered that said bills be placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 15. AN ACT to authorize and add one additional judge to the circuit court for the seventeenth circuit court district, and providing for the appointment and election thereof.

Said bill is as follows, Viz:

Whereas, the population of the Seventeenth Circuit Court District now exceeds seventy-five thousand inhabitants, and it is impossible for one judge to dispose of the business of said court with reasonable dispatch, and the number of cases upon the docket of said court is increasing, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. One additional judge of the circuit court for the Seventeenth Circuit Court District is hereby authorized and added to said court. Such additional judge shall preside over the Common Law and Equity Division of said court.

Section 2. Immediately upon the effective date of this Act, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is elected and shall have qualified.

Section 3. An election of such additional judge shall be held at the regular election to be held on Tuesday next after the first Monday in November, 1954, and, after qualifying, as provided by law, the judge so elected shall enter upon the duties of the office at such time as is provided in Section 152 of the

Constitution, and continue in office until his successor shall have been elected and qualified.

Section 4. The Judge so elected shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District.

Section 5. At the regular election to be held on the first Tuesday after the first Monday in November, 1957, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

Mr. Horn moved that said bill be placed on the clerk's desk and consideration delayed until Mr. Weintraub could be present.

By unanimous consent of the House, said motion was withdrawn.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Wirsch moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 24. AN ACT relating to qualifications of members of Police and Fire Departments in cities of fourth and fifth classes, and amending Section 95.710 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

To be eligible for appointment as a member of the police force or fire department of a city of the fourth or fifth class, a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications. but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

Mr. Day moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Lowman stated that Mrs. Wilson, finding it necessary to be away at the time of passage of H. B. No. 24, stated that had she been present she would have voted in the affirmative, and requested that the record so show.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House recess.

Said motion was agreed to.

After a time the Speaker resumed the chair.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body as follows viz:

S. B. No. 45. AN ACT relating to strip mining and the conservation and reclamation of natural resources affected thereby.

Said bill was ordered to be printed and referred.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 13. A JOINT RESOLUTION petitioning Congress to continue to maintain and operate locks on the Kentucky River.

Said resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States is hereby requested to provide for the continued maintenance and operation of all existing locks and dams on the Kentucky River, and to provide for modernization of these locks and dams.

Section 2. That the Clerk of the Senate is directed to forward copies of this resolution to each member of Congress from Kentucky and to the Secretary of the Senate and Clerk of the House of Representatives of the Congress.

Mr. McClanahan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. McClanahan moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed by voice vote.

Resolved that the title thereof be as aforesaid.

Mr. McClanahan moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following number bill, viz:

S. B. No. 45 to Committee on Kentucky Statutes No. 1.

Mr. Lowman moved that the House recess for fifteen minutes.

Said motion was agreed to.

The fifteen minutes having expired, the Speaker resumed the chair.

Mr. Lowman moved that the rules be suspended for the purpose of making committee reports.

Said motion agreed to.

Thereupon Mr. Edmonds, Chairman of the Committee on Forestry, State and National Parks, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 76. AN ACT relating to the execution and operation of a Southeastern Interstate Forest Fire Protection Compact.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 45. AN ACT relating to strip mining and the conservation and reclamation of natural resources affected thereby.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Helm moved that the House adjourn until 3:00 P. M. Monday, February 1, 1954.

Said motion was agreed to.

And the House then adjourned.

MONDAY, FEBRUARY 1, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Caleb McFadden, member of the House of Representatives from Laurel County.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	John Rhea Banton	Owen Billington
Walter J. Bailey	Charles E. Baumgardner, Sr.	Leo A. Bleemel
		J. C. Bradley

Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, January 28, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that leave of absence for the day be granted to the following members: Mr. Barnum, Mr. Bartley, Mr. Blue, Mr. Breathitt, Mr. Conley, Mr. Cottengim, Mr. Dowell, Mr. Dressman, Mr. Duncan, Mr. Everett, Mr. Harris, Mr. Jones, Mr. McCallum, Mr. Mann, Mr. Melton, Mr. Mitchell, Mr. Morgan, Mr. Murphy, Mr. Pollitte, Mr. Qualls, Mr. Raybourn, Mr. Saylor, Mr. Walsh, Mr. Weintraub, Mr. Williams and Mr. Winstead.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Ockerman.

H. B. No. 144. AN ACT relating to public works in cities other than the first class, repealing Subsection (4) of Section 94.316 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 94.316 of the Kentucky Revised Statutes is repealed.

By Mr. Sanders and Mr. Kearby.

H. B. No. 145. AN ACT proposing an amendment to Section 42 of the Constitution of Kentucky, relating to the General Assembly.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 42 of the Constitution of Kentucky be amended so as to read as follows:

"The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses: Provided, the same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond one hundred and twenty legislative days, exclusive of Sundays and legal holidays. A legislative day shall be construed to mean a calendar day. No bill shall be introduced in either House of the General Assembly after the sixtieth legislative day of a regular biennial

session, unless its introduction is approved by a majority of the members of the House in which it is introduced."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Section 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. Mobley.

H. B. No. 146. AN ACT relating to the compensation of coroners, and amending Section 64.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

County Population	Monthly Minimum Compensation
(a) 10,000 or less	$ 25.00
(b) 10,001 to 20,000	50.00
(c) 20,001 to 40,000	75.00
(d) 40,001 to 60,000	100.00
(e) 60,001 to 100,000	125.00

(2) In counties having a population of more than 100,000 and containing a city having a population of more than 40,000, coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court shall fix subject to a minimum of $200.00 per month. In addition such coroners may receive such supplemental salary as the county over 100,000 population and the city over 40,000 population may agree upon, and such supplemental salary and fees as the city may wish to pay.

Section 2. The provisions of this Act shall not apply to any coroner in office on the date it becomes effective.

By Mr. McFadden and Mr. Cobb.

H. B. No. 147. AN ACT relating to the erection and maintenance of billboards and other advertising displays in local option or dry territory, and amending Section 242.250 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 242.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, while representing either the buyer or seller, shall distribute, solicit or receive contracts, proposals, or orders for the purchase or sale of any alcoholic beverages, or distribute any hand-bills or posters advertising them in dry territory or erect, display, or maintain in dry territory any signs, billboards, posters, or other advertising displays calculated to promote the sale and use of alcoholic beverages; nor shall any person, firm, or corporation permit any such signs, billboards, posters or other advertising displays to be erected, displayed, or maintained upon any premises owned by him or otherwise under his control located in dry territory.

(2) Each act of distributing, soliciting or receiving contracts, proposals, or orders as prohibited by subsection (1) of this Section and each day in which advertising matter is distributed or in which any signs, billboards, posters or other advertising displays prohibited by subsection (1) of this Section are erected, displayed or maintained or are permitted to be erected, displayed or maintained shall constitute a separate offense.

(3) This chapter shall not prevent any manufacturer of or wholesale dealer in alcoholic beverages, or any authorized agent of either from making contracts of barrel, case or package lots in any dry territory, if his distilleries, breweries, wineries, or warehouses are located in that territory and his products are to be shipped into territory, either within or without the state, where alcoholic beverages may lawfully be sold.

By Mr. McFadden.

H. B. No. 148. AN ACT relating to termination of mem-

bership in the teacher retirement system, and amending subsection (1) of Section 161.520 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 161.520 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Membership in the retirement system shall be terminated:

(a) By retirement for disability or superannuation;

(b) By death;

(c) By withdrawal;

(d) When a teacher who is absent from service withdraws his deposits in the fund; or

(e) When a teacher is absent from service three out of twelve consecutive years, unless the board of trustees in accordance with its rules and regulations grants a longer period, not in excess of twelve years, of absence from active service as a teacher without the loss of his status as a member.

By Mr. Lowman.

H. B. No. 149. AN ACT relating to tuberculosis.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act it is the intention of the General Assembly to provide for the effective control of the spread of communicable tuberculosis. The provisions of this Act are to be interpreted as recognizing that communicable tuberculosis is a disease dangerous to public health.

Section 2. As used in this Act:

(1) "State Hospital" means hospital facilities arranged for or provided by the State Tuberculosis Sanatoria Commission for the confinement of persons under the provisions of this Act;

(2) "Health Officer" means the health officer or health administrator of any local health department;

(3) "Communicable tuberculosis" means tuberculosis which is capable of being transmitted from one human being to another;

(4) "Afflicted person" means any person infected with communicable tuberculosis.

Section 3. An afflicted person not a patient in a hospital shall:

(a) Sleep in a separate bed;

(b) Use separate eating and drinking utensils, toilet articles, towels and wash cloths;

(c) Have all cups, glasses, dishes, toilet articles, towels and wash cloths washed separately from those used by other persons;

(d) Cover his nose and mouth with tissue paper while coughing or sneezing and burn the tissue paper;

(e) Collect all sputum containers and burn the sputum;

(f) Avoid close contact with babies and small children;

(g) Comply with other requirements established by the rules and regulations of the State Board of Health for the control of communicable tuberculosis.

Section 4. Whenever a health officer has reasonable grounds to believe that a person is afflicted with communicable tuberculosis and that such person has failed to comply with the provisions of Section 3 of this Act or with the rules and regulations promulgated by the State Board of Health for the control of communicable tuberculosis, he shall make an affidavit before any magistrate reciting such facts and circumstances and the magistrate shall thereafter direct that the person suspected of being afflicted with communicable tuberculosis submit to an examination either by a licensed practicing physician of his own choice at his own expense or by a physician appointed by the health officer at the expense of the county. The examination shall include both physical and laboratory examinations and shall be

conducted according to such rules and regulations as may be promulgated by the State Board of Health and shall be reported upon forms furnished by said board.

Section 5. Any person afflicted with communicable tuberculosis who violates the provisions of Section 3 of this Act or the rules and regulations promulgated by the State Board of Health shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both, provided, however, that if facilities are available in a state hospital such person so convicted shall be committed to said institution for the service of any imprisonment adjudged by the court, unless sooner released by the medical director of the hospital upon the director's filing in the permanent records of the hospital a statement to the effect that in his opinion such person may be discharged without danger to the health of other persons. Upon the discharge of any person committed under the provisions of this Act the medical director of the hospital shall immediately notify the State Department of Health and the health officer of the county in which such person resides.

Section 6. The State Board of Health shall adopt and promulgate rules and regulations to effectuate the purposes of this Act, including, but not limited to, procedures necessary to secure the examination of suspected persons, the isolation and quarantine of afflicted persons, and other measures required to protect the public health.

Section 7. The State Tuberculosis Sanatoria Commission shall have the responsibility of arranging for or providing facilities necessary for the confinement of persons under this Act.

Section 8. The county and Commonwealth attorneys and the Attorney General, within their respective jurisdictions, shall represent the health officers in the enforcement of the provisions of this Act. However, a county board of health may employ an attorney to represent the health officer in proceedings under this Act, and pay such attorney reasonable compensation for services rendered from any unexpended funds at its disposal.

By Mr. Lowman.

H. B. No. 150. AN ACT relating to compensation of physicians employed by county, city-county and district health departments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of KRS 64.620, all physicians employed by county, city-county and district health departments may, upon written recommendation of the hiring and paying authorities expressly approved in writing by the State Board of Health, receive compensation in excess of seven thousand two hundred dollars per annum but not more than twelve thousand dollars per annum as employes of local health units. Approval by the State Board of Health of compensation in excess of seven thousand two hundred dollars per annum shall be based upon studies made by said board of the duties and responsibilities of the positions, and upon a comparison with rates being paid for similar or comparable services elsewhere. The board may also take into consideration other appropriate factors, including the scarcity of physicians qualified for public health work and the availability of local funds therefor.

By Mr. Lowman.

H. B. No. 151. AN ACT relating to rabies control and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act it is the intention of the General Assembly to provide for the effective control of the spread of rabies. The provisions of this Act are to be interpreted as recognizing that rabies is a disease dangerous to public health.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Dog" includes all members of the canine family, six months of age or over;

(2) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog, and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(3) "Vaccination" means the injection by a veterinarian, or other qualified person, of vaccine approved by the Bureau of Animal Industry, United States Department of Agriculture, in amounts prescribed by the State Board of Health;

(4) "Veterinarian" means a duly licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture;

(5) "Qualified person" means a person granted a permit by the State Board of Health to vaccinate animals against rabies.

Section 3. On or before the first of September of 1954 and of each year thereafter, every owner shall have his dog vaccinated against rabies. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person, one copy to be given to the owner of the dog vaccinated, and one copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the State Department of Health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the issuing veterinarian. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog.

Section 4. The State Board of Health, in its sound discretion, may by such rules and regulations as it deems advisable:

(a) Exempt from the provisions of Section 3 of this Act the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

(b) Extend the period required for re-vaccination if a new vaccine is developed which will give longer periods of immunity;

(c) Exempt from the provisions of Section 3 of this Act the owners of dogs which are brought into this state for a period not to exceed thirty days.

Section 5. Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog re-vaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 6. Whenever vaccination facilities or veterinary services are not readily available or do not meet the entire needs of a county, the State Department of Health may contract with veterinarians or qualified persons to vaccinate dogs or animals at scheduled mass immunization clinics at fees not in excess of two dollars per animal vaccinated, to be paid by the owner to the State Department of Health. Fees so collected shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 7. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs, or other specified animals in the area designated to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the

interest of public health the local board of health shall order all dogs in the area re-vaccinated against rabies and if the local board fails or neglects to do so, the State Department of Health may order the re-vaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six months under the provisions of this Act. The State Department of Health may aid the local health department in the execution of such emergency vaccinations.

Section 8. Every physician shall, within twelve hours after his first professional attendance of a person bitten by a dog, cat or other animal, report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

Section 9. The State Board of Health may administer the provisions of this Act through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of this Act.

Section 10. A health officer or his agent shall have the authority to quarantine for a period not to exceed ninety days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fourteen days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the State Board of Health in the manner prescribed by the rules and regulations of the State Board of Health.

Section 11. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars to be credited to a trust and agency fund for the purpose of carrying out the provisions of this Act.

Section 12. (1) Any owner who violates Section 3, Section 7 or Section 10 of this Act shall be fined twenty dollars or imprisoned for not more than thirty days. Each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.

By Mr. Caudill.

H. B. No. 152. AN ACT relating to compensation of elective state officers, and amending Section 64.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1955, and with respect to the other offices named in this Section, on the first Monday in January, 1956, the compensation of the following named officers, payable monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, $12,500.

Lieutenant Governor, $3,000, this to be in addition to any per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, and any compensation received while acting in the place of the Governor.

Attorney General, $8,500.

Superintendent of Public Instruction, $8,500.

Commissioner of Agriculture, Labor and Statistics, $7,500.

Secretary of State, $6,000.

State Treasurer, $6,000.

Clerk of the Court of Appeals, $6,000.

By Mr. Cobb.

H. B. No. 153. AN ACT amending KRS 64.150 relating to fees of jailers and increasing certain fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts per day not exceeding	$ 2.50
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.25
Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons	.50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	2.00
Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	2.00
Imprisoning and releasing a prisoner charged with a misdemeanor	1.00

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt	$ 1.00
Keeping and dieting a prisoner charged with a felony or contempt, per day	2.00
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons	.50
Each day's attendance upon the circuit court	2.25
Furnishing fuel, light and water to the circuit court, not exceeding, per day	2.25

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

By Mr. Moorman, Mr. Ratcliffe, Mr. Banton and Mr. Bleemel.

H. B. No. 154. AN ACT relating to the licensing and regulating of milk and cream buyers, testing, weighers, and samplers, and repealing KRS 260.170 through 260.270 and subsections (3) and (4) of KRS 260.990.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purpose of this act the following terms shall have the following meanings:

(1) "Buyer" shall include any person, partnership, corporation, association, organization or concern who receives milk or cream from producers and pays for it on basis of amount, weight or test, except that it does not include such persons as buy milk or cream for their own consumption;

(2) "Buy," "Buying" or "Bought" shall mean the purchase of non-packaged milk or cream from producers on basis of amount, weight or test;

(3) "Milk Tester" shall include any person who tests milk or cream bought by buyers from producers to determine the

constituents or quality of such milk or cream and uses, or submits for use, these tests in determining the price paid for it;

(4) "Sampler and Weigher" shall include any person who samples and weighs milk or cream purchased by buyers from producers;

(5) "Licensed to Buy" means the license issued to buyers of milk or cream purchased from producers on basis of its volume, weight or test;

(6) "License to Test" means the license issued to milk and cream testers;

(7) "License to Sample and Weigh" means the license issued to samplers and weighers;

(8) "Board" means the Examining Board;

(9) "Director" means the Director of the Agricultural Experiment Station, College of Agriculture and Home Economics, University of Kentucky;

(10) "Producer" means any person, partnership, corporation, association, organization, or concern keeping milk cows for production of milk for sale or separation for the sale of cream;

(11) "Buying Location" means each separate business place where non-packaged milk or cream is purchased, such as cream buying station, milk receiving station, milk plant, creamery, cheese factory, condensery or ice cream factory;

(12) "Non-packaged Milk or Cream" means milk or cream as it is usually received from the farm before it is processed and put in bottles, cartons or other containers for consumer use;

(13) "Stamped Testware" means test bottles, test weights, and other test equipment inspected and stamped with an indelible and distinguishing mark by the Experiment Station;

(14) "Standard Testware" means test bottles, test weights, pipettes and other measuring or calibrating devices approved by the Director for use in Kentucky;

(15) "Cream Station" means a place where cream is re-

ceived, weighed, sampled, consolidated and shipped to a creamery or factory;

(16) "Milk Equivalent" means the amount of whole milk required to make other dairy products; thus, to convert butterfats to milk equivalent, multiply the pounds of butterfat by 25.

Section 2. It shall be unlawful for any buyer of milk or cream to this state to:

(1) Buy milk or cream from producers without obtaining a license for each buying location where such milk or cream is received;

(2) To receive and pay for milk or cream on basis of weights or tests without having it weighed and sampled by a licensed weigher and sampler or tested by a licensed tester;

(3) To receive milk or cream purchased from producers by a cream station operator or milk receiving station who does not have a license to buy;

(4) Use weighing, mixing, sampling, or testing equipment which is inaccurate or non-standard;

(5) Fail to comply with such regulations for weighing, sampling and testing milk or cream as may be issued by the Director.

Section 3. Except as provided in subsection (4) of this section, it shall be unlawful for any milk sampler or weigher in this state to:

(1) Sample or weigh milk or cream without obtaining a license to sample and weigh;

(2) Inaccurately sample or weigh milk or cream;

(3) Fail to comply with such regulations for the sampling or weighing of milk or cream as may be issued by the Director;

(4) Provided, however, that any milk tester who holds a license to test or temporary permit to test may sample and weigh milk or cream according to the provisions of this Act without obtaining a license to sample and weigh.

Section 4. It shall be unlawful for any milk tester in this state to:

(1) Weigh, sample or test milk or cream bought from producers on basis of such weights or tests without obtaining a license or permit to test;

(2) To inaccurately weigh, sample, or test milk or cream;

(3) Use inaccurate unstamped or non-standard equipment in weighing, sampling or testing, of milk or cream.

Section 5. Each person, partnership, corporation, association, organization or concern buying non-packaged milk or cream from producers shall secure and hold a license to buy for each buying location where such milk and cream is received and combined so that individual lots lose their identity. Application for such license shall be made to the Director on a form prescribed by the Director, said application to be accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of such application and fee, the Director shall issue to the buyer a license to buy milk or cream provided the buyer is in compliance with the provisions of this Act and such regulations relating to the sampling, weighing, testing or buying of milk or cream as may be issued by the Director; said license to expire on June 30 of the license year for which it is issued.

Section 6.

(1) Except as provided in subsection (2), all persons who test milk or cream bought by buyers from producers shall secure and hold a license to test.

(2) Any person who tests milk or cream bought by buyers from producers not holding a current license to test shall demonstrate his proficiency in testing by satisfactorily passing an examination prescribed by the Director. Prior to the successful completion of this examination he may apply for a temporary permit to test.

(3) Application for a license or temporary permit to test shall be on form prescribed by the Director and accompanied by the license fee or permit fee provided for in Section 9 of this Act.

Section 7.

All persons who weigh or sample milk or cream bought by buyers from producers shall secure and hold a license to sample and weigh; provided, however, that licensed testers may sample and weigh under the authority of their license to test. Application for such license shall be made on a form prescribed by the Director and accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of such application and fee, the Director shall issue to the sampler and weigher a license to sample and weigh milk and cream, provided that the sampler and weigher is in compliance with the provisions of this Act and such regulations relating to weighing and sampling of milk and cream as may be issued by the Director; said license to expire on June 30 of the license year for which it is issued.

Section 8. Test equipment including test bottles, pipettes, weights, scales and other measuring or calibrating devices used in testing milk and cream under the provisions of this Act which are calibrated or adjusted so as to determine the results or accuracy of results of such test shall be inspected by the Experiment Station. Such equipment found accurate shall be stamped, sealed or permanently marked so as to be distinguishable. The charge for initial inspection of test equipment shall be as prescribed by the Director but not to exceed 3c per piece. Equipment to be stamped for use in Kentucky shall be limited to those items listed and described on an approved list published periodically by the Director.

Section 9. The license fees to be paid for respective licenses provided for in Sections 5, 6 and 7 of this Act shall be as follows:

(1) Buyers

(a) For cream stations—$6.00 per year for each license; provided, however, that those places beginning operation after July 1 shall pay 50c per month or fraction thereof for the months remaining in the license year ending June 30.

(b) For each creamery, milk shipping station, milk factory, cheese factory, condensery, milk processing plant, person, agent, firm, company, association or corporation an amount determined according to the following schedule:

(1) $25.00 per license for those buying less than 1,000,000 lbs. of milk or milk equivalent during the past year;

(2) $75.00 per license for those buying more than 1,000,000 lbs. of milk or milk equivalent but less than 10,000,000 lbs. during the past year;

(3) $100.00 per license for those buying more than 10,000,000 lbs. of milk or milk equivalent during the past year;

(4) $2.10 for each month or fraction thereof remaining in the license year for the initial license of places which begin operation during the year.

(2) Testers:

License to test or temporary permit to test—$3.00

(3) Samplers and weighers—$3.00

Section 10. The Director is charged with the enforcement of this Act and may, subject to recommendation of the Board, employ all proper means to aid and assist in the enforcement of its provisions, including the revocation or suspension of a license as provided in Section 11 of this Act. The Director may delegate the administration of his responsibility, may employ such personnel as may be necessary to assist him, and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. Personnel engaged in the enforcement of this Act and duly authorized by the Director may inspect testing equipment and scales, take samples, make tests and retests and examine records of weights, tests and payments of milk and cream at licensed places. Subject to recommendations of the Board, the Director shall promulgate reasonable regulations necessary to supplement this Act relating to the buying of milk and cream, the inspecting and stamping of glassware, testware and test weights used in testing milk and cream to assure accuracy, the definition of standard testware, and the levying of an inspection and stamping charge for each item of glassware, testware, and test weights inspected and stamped, and may make other regulations reasonably calculated to promote the purposes of this Act.

Section 11. The Director may revoke or suspend any license issued under authority of this Act; provided, however, that such revocation or suspension shall occur only when the licensee has failed to comply with the provisions of this Act or the rules and regulations issued thereunder, and provided that such revocation or suspension shall occur only upon written recommendation to the Director by the Examining Board and after the licensee has had an opportunity, upon due notice, at a hearing before said Board, to show cause why his license should not be revoked or suspended.

Section 12. Upon the revocation of any license, the licensee may within sixty days appeal the revocation order of the Director by filing suit in the Franklin Circuit Court.

Section 13. The responsibility for advising the Director concerning enforcement of this Act, for reporting violations, for conducting investigations and hearing pursuant to recommending revocation or suspension of a license, and for recommending rules and regulations to be issued by the Director, is vested in an Examining Board. The Board shall be composed of the Head of the Dairy Section, College of Agriculture and Home Economics, University of Kentucky, who shall be Chairman, and three members appointed by the Director. Two of three appointed members shall be appointed from a list of four persons nominated by the Dairy Committee of the Kentucky Farm Bureau Federation and the third appointed member shall be appointed from a list of two persons nominated by the Executive Committee of the Dairy Products Association of Kentucky. The appointed members shall serve for a term of three years and until their successors are appointed and qualify; except that the first appointments made under this Act shall be for terms of one, two, and three years respectively as the Director shall designate. The Board shall meet at such time and such place as the Chairman shall designate. Three members present at any meeting shall constitute a quorum, and upon the written request of any two members, the Chairman shall call a meeting at the time and place requested. Board members not already employed by the State shall be compensated at the rate of $7.50 per day for Board service and all members shall be reimbursed for any actual expense incurred in performing Board duties.

Section 14. All moneys resulting from the payment of license fees, inspection and stamping charges, or other charges provided for in this Act shall be paid to the Director and shall constitute a special and separate fund which shall not lapse and which shall be expended by the Director under authority of the Board of Trustees of the University of Kentucky on proper and separate vouchers. This fund shall be used primarily for discharging expenses incurred in enforcing this Act and any portion of the fund not necessary to this purpose shall be used to support research pertaining to methods and equipment for sampling and testing dairy products or such other dairy research work as the Director may recommend.

Section 15.

(1) Any person violating or failing or refusing to comply with Section 2 or 5 of this Act shall, upon conviction, be fined $100 for the first offense and not less than $100 nor more than $1,000 for each subsequent offense.

(2) Any person violating or failing or refusing to comply with Sections 3, 4, 6, or 7 of this Act shall, upon conviction, be fined $25.00 for the first offense and not less than $50.00 nor more than $100 for each subsequent offense.

Section 16. KRS 260.170, 260.180, 260.190, 260.200, 260.210, 260.220, 260.230, 260.240, 260.250, 260.260, 260.270, and subsections (3) and (4) of 260.990 are hereby repealed.

By Mr. Wirsch.

H. B. No. 155. AN ACT relating to pay of election officers, and amending Section 116.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) In counties containing a city of the first or second class, and counties having a population of seventy-five thousand or more inhabitants, the judge and sheriff of election may receive

not more than eight dollars per day, and the clerk of election not more than ten dollars per day, for each election in which they serve, including elections to fill vacancies, to be paid by the county. The exact amount of said compensation shall be fixed by the fiscal court.

(2) In all other counties, the judges, clerk and sheriff of election shall receive five dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and the judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

By Mr. Wooton.

H. B. No. 156. AN ACT changing the classification of the City of Hazard, in Perry County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Hazard, in Perry County, has decreased, and is now such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Hazard, in Perry County, is transferred from the third to the fourth class of cities.

By Mr. Wirsch.

H. B. No. 157. AN ACT changing the classification of the City of Silver Grove, in Campbell County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Silver Grove, in Campbell County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Silver Grove, in Campbell County, is transferred from the sixth to the fifth class of cities.

By Mr. Harralson.

H. B. No. 158. AN ACT relating to the issuance of motor vehicle operators' licenses and repealing subsection (2) of Section 186.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 186.410 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Dempsey and Mr. Wells.

H. B. No. 159. AN ACT relating to the terms of court in the Twenty-fourth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (24) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-fourth district. Johnson County, at Paintsville, on the second Monday in January, the third Monday in April, and the fourth Monday in August, twenty-four juridical days each.

Lawrence County, at Louisa, on the third Monday in February, the fourth Monday in May, and the fourth Monday in September, twenty-four juridical days each.

Martin County, at Inez, on the third Monday in March, the fourth Monday in June, and the second Monday in November, twenty-four juridical days each.

Section 2. This Act shall take effect on June 17, 1954.

By Mr. Lambert.

H. B. No. 160. AN ACT increasing the allowance for pauper idiots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of not more than two hundred and fifty dollars per annum to be paid as follows:

(a) One-half of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-half of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

By Mr. Lambert.

H. B. No. 161. AN ACT to amend Section 145 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That upon the concurrence of three-fifths of all the members elected to each House of the General Assembly, the ayes and nays being taken thereon and entered in full in their respective journals, Section 145 of the Constitution of the Commonwealth of Kentucky be amended, extended and reenacted so that as amended, extended and reenacted it will read as follows:

Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are expected and shall not have the right to vote.

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the general assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

Second: Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

Section 2. That this amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution and under the Kentucky Statutes.

By Mr. Dempsey and Mr. Martin.

H. B. No. 162. AN ACT relating to appropriations to the Department of State Police for the fiscal years 1954-1955 and 1955-1956, changing the source of funds from State Road Fund to General Fund, and repealing Subsection 6 of Section II of Part Three of House Bill No. 20, enacted January, 1954.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In addition to any funds heretofore appropriated out of the General Expenditure Fund, there is hereby appropriated out of said Fund to the Department of State Police, for expenses of operation of the Department as provided by law, the following sums for the fiscal years indicated:

1954-'55 ---------- $2,049,300

1955-'56 ---------- $2,134,200

Section 2. Subsection 6 of Section II of Part Three of House Bill Number 20, passed by the General Assembly of the Commonwealth in January of 1954, is hereby repealed.

By Mr. Lambert.

H. B. No. 163. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.250, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable

to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

(9) "Needy permanently and totally disabled person" means a person who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a substance compatible with decency and health.

Section 2. Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the other provisions of this section, a needy aged person, a needy blind person, a needy child, or a needy permanently and totally disabled person shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation;

(b) He is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulation; and

(c) He is not, at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by a governmental unit, except for temporary medical or surgical

care in a hospital; Provided, that no individual shall be eligible to receive public assistance under KRS 205.160 to 205.250 under more than one category of public assistance for the same period of time.

Section 3. Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy, aged or needy blind or needy permanently and totally disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

Section 4. Subsection (2) of Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(2) Prior to July 1 of each year the Commissioner shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided for in KRS 205.160 to 205.250; namely needy children, needy aged, needy blind, and needy permanently and totally disabled persons, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided that the commissioner may, in the second year of any legislative biennium, reallocate said funds based on the number of recipients during any biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, the blind, permanently and totally disabled persons, and otherwise handicapped.

(d) Administration and supervision of all child welfare activities except those vested in the Department of Health.

By Mr. Treadway.

H. B. No. 164. AN ACT relating to compensation of county officers and employes, office expenses of county officers, and amending subsection (1) of Section 64.530 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 64.530 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe. The fiscal court of each county shall fix the salary of the county judge at a sum not less than twelve hundred dollars per annum. For the purposes of this section, circuit court clerks and master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section. In the case of officers compensated from fees, or partly from fees

and partly by salary, the fiscal court shall fix the maximum compensation that the officer may receive, from both sources, and also shall have authority to fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the compensation of any such officer, and of his deputies and assistants, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949. In the case of county officers elected by popular vote, for terms commencing after June 30, 1950, the annual compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term.

By Mr. McCallum, Mr. Moorman, Mr. Buchanan, Mrs. Wilson, Mr. Bradley, Mr. Peniston, Mr. Jones, Mr. Cosby, Mr. Everett, Mr. Raybourn, Mr. Ratcliffe, Mr. Bleemel, Mr. Young, Mr. Montgomery, Mr. Majors, Mr. Banton, Mr. Hadden and Mr. Fern.

H. B. No. 165. AN ACT relating to dairying and creating a dairy commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commission" means the Kentucky Dairy Commission;

(2) "Person" means any individual, corporation, partnership, association, cooperative, or other business unit;

(3) "Producer" means every person who produces milk or cream from cows and thereafter sells the same as milk, cream, or other dairy products;

(4) "Handler" means any person in his capacity as the operator of a milk plant or receiving station in the state of Ken-

tucky at which milk, cream, or other dairy products are received from producers for the purpose of weighing, testing, processing or manufacturing;

(5) "Producer-handler" means any person who maintains his own herd, prepares for human consumption the milk or cream or other dairy products produced from said herd, and distributes and sells his or its own products, partially or exclusively, to customers or to others for sale to consumers.

Section 2. (1) There is hereby created a "Kentucky Dairy Commission" composed of six members. The membership of this commission shall be composed of the Commissioner of Agriculture, the head of the dairy section of the Agricultural Experiment Station and four members to be appointed by the Director of the Agricultural Experiment Station. The four at large members shall be selected as follows: one from the names of two persons submitted by the Kentucky Farm Bureau Federation; one from the names of two persons submitted by the Dairy Products Association of Kentucky; and two from four names submitted by the American Dairy Association of Kentucky. Of those names submitted by the American Dairy Association, two shall come from the first four congressional districts and two from the second four congressional districts. One member shall be selected from each of the two groups of congressional districts.

(2) All members appointed on this commission shall serve a term of four years and until their successors are appointed and qualified. All members shall be citizens of the United States and residents of this state. Whenever an appointment is made the names of two qualified persons shall be submitted to the director.

(3) The four members appointed on the first commission shall hold office as follows: one for one year, one for two years, one for three years, and one for four years, from the effective date of this Act. The terms of the office of the Commissioner of Agriculture and the head of the dairy section of the Agricultural Experiment Station shall be continuous and in succession of office of those persons holding such offices.

(4) The commission shall select a chairman from among its members, who shall preside at all meetings and vote as any

other member. A secretary may be selected from among the commission members or hired from without.

(5) Vacancies occurring during a term shall be filled by appointment for the unexpired term and in case a member whose appointment must be made from the first four or second four congressional districts, moves from the districts for which he was appointed, his office shall automatically become vacant; whereupon the commission shall forthwith notify the Director of Agricultural Experiment Station and the American Dairy Association of Kentucky of such vacancy, and the said Director shall thereupon fill such vacancy by appointment as originally provided in subsection (1) of this section.

(6) All members of the commission shall be reimbursed for their actual necessary expenses and mileage at the rate of seven cents per mile, and each of the appointed members shall be paid, in addition thereto, ten dollars for each day spent in the discharge of his official duties.

(7) The Commonwealth shall not be liable for the acts or omissions of said commissions or any member thereof, or any officer, agent or employe thereof, or upon any contract entered into by the commission. No member of the commission and no officer, agent or employe thereof, shall be personally liable on any contract or agreement of the commission. All salaries, expenses, costs and liabilities incurred under the provisions of this Act shall be the obligations of the commission.

Section 3. (1) The commission shall:

(a) Administer and enforce the provisions of this Act.

(b) Keep an accurate record and account of work performed which shall be a public record.

(2) The commission may:

(a) Employ attorneys, advertising counsel, and such employes as it deems necessary, and fix their compensation as prescribed in KRS 64.640.

(b) Adopt necessary rules, and regulations to carry out the provisions of this Act.

(c) Establish such offices at such places as it deems necessary to best carry out the provisions of this Act.

(d) Enter into contracts and agreements deemed necessary to promote the sale and consumption of dairy products and to effectuate the provisions of this Act.

(e) Conduct scientific research for the purpose of developing and discovering health, food, therapeutic, dietetic and industrial uses for dairy products.

(f) Plan and conduct campaigns for dairy commodity advertising, publicity, and sales promotion, research and educational campaigns, to increase the consumption of dairy products, and contract for any advertising, publicity, sales promotion, research and educational service.

Section 4. (1) (a) Every person who is a resident of, or has a place of business in, this state and owns or operates facilities at which milk, cream or other dairy products are received from producers (including a producer's own production) shall register as a "handler" with the commission on or before the first day of July, 1954, or on such other date as may be fixed by the commission.

(b) Such person shall obtain, for each buying or receiving location, a permit for such handling of milk, cream and other dairy products, from the commission, after the payment of an annual permit fee of one dollar by each such person.

(c) All permits shall expire on the first day of July each year or on such other date as may be fixed by the commission, but may, annually, be renewed for a period of one year by the payment of a permit fee for renewal as herein provided.

(d) The commission may, in its discretion, transfer any valid permit to a new holder with the consent of the holder thereof.

(e) The renewal permit fee of one dollar is due on or before the expiration date of the holder's permit, but failure to renew a permit before expiration thereof, unless revoked by the commission, shall not deprive a permit holder of

the right to renewal; in such cases a permit holder or registrant otherwise in good standing may renew his permit by payment of any and all annual fees unpaid by him with a penalty of two dollars in addition thereto.

(2) In addition to the annual permit fee herein referred to, there is hereby levied and imposed, an assessment on milk and butterfat received by handlers from producers at the rates to be fixed by the commission, which shall not exceed two cents per hundredweight on milk, and one-half cent per pound of butterfat in cream and milk products, other than milk, during any months of any calendar year. For the purpose of computing the assessment in markets where weights of milk or butterfat tests of cream and other dairy products are not available or not established by adequate weight and test records, milk shall be deemed to weigh eight and six-tenths pounds per gallon and butterfat in cream shall be computed on the basis of thirty-two percent fat content.

(3) All assessments levied and imposed hereunder on the receipt of milk, cream and other dairy products shall be collected by the first handler, and the money so collected shall be deducted from the amount due and payable to the producer of the milk or butterfat, and all moneys so collected shall be paid to the commission on or before the twentieth day of the month immediately following the month during which such milk or butterfat was received from producers.

(4) For the purpose of this Section a producer-handler shall be deemed a first handler and shall pay direct to the commission the assessments, levied and imposed on milk and butterfat as provided herein, upon the milk and butterfat produced by said producer-handler; Provided, however, that the assessments hereinbefore stated shall not apply to:

(a) Milk and cream used or consumed on the farm where produced, or

(b) Milk and cream sold direct to consumers from a producer-handler's own production in any month during which such sales do not exceed three thousand pounds of milk, or one hundred and fifty pounds of butter.

(5) It shall be unlawful for any handler to receive milk, cream, or other dairy products, from producers without being in possession of a valid permit and the commission may withhold the issuance, renewal, transfer or reinstatement of the permit of any handler who has not fully complied with the provision of this Act.

Section 5. All moneys received by the commission under this Act shall be placed in the State Treasury to the credit of a revolving fund for the use of the commission in carrying out its functions.

Section 6. Any officer, employe or agent of the commission may be required to give bond as provided in KRS 62.060 with surety approved by the Governor.

Section 7. Every first handler, including a producer-handler, shall keep a complete and accurate record of all milk and of all butterfat in cream or other dairy products received by him from producers during any month designated by the commission. Such records shall be in such form and contain such information as the commission may, by order or regulation, prescribe, and shall be preserved for a period of two years and shall be open to inspection at any time upon request of the commission or its duly authorized agent or employe. The commission may require such first handler, including a producer-handler, to file a return with the commission for each month during which the assessments provided by the preceding Section are applicable on forms to be prescribed and furnished by the commission. Such returns shall contain such information as the commission may require, and shall be filed with the commission at the time payments of assessments are required to be made. The record keeping, reporting and payment obligations of a first handler under this Act may, by approval of the commission, be assumed and performed on his behalf by any other responsible person.

Section 8. (1) The commission may initiate proceedings, either on its own motion or on the complaint of any person, for the purpose of hearing and investigating evidence of the failure or refusal of any person to comply with the provisions of this Act after first giving thirty days prior notice to the accused as to the

date and time fixed for the hearing and the nature of the charge or charges.

(2) The commission shall not be bound by technical rules of evidence, except as may be required by the applicable administrative procedure laws of this state.

(3) After notice and hearing as provided in Section 8 the commission may, in its discretion, revoke the permit of any holder thereof to receive milk, cream and other dairy products from producers, and such revocation shall be prima facie evidence of violation of the provisions of this Act and will subject such person to prosecution and the applicable penalties as provided in Section 11.

Section 9. (1) Before fixing the date on which handlers shall be required to register and obtain permits, or fixing the effective date on which the assessment on milk or butterfat received from products is to be imposed and collected, the commission shall, for the purpose of ascertaining the approval of producers, conduct a referendum among the producers. The requirements for approval or favor of the producers shall be held to be complied with if, of the total number of producers voting in such referendum, the majority approve or favor the imposition and collection of the assessments authorized under this Act on milk and butterfat received from producers.

(2) The commission shall designate the date, time and places for voting, appoint its agents or representatives for the purpose of such referendum, and adopt and direct the procedures to be followed in the conduct of the referendum, provided, however, at least one agent or representative and one place for voting shall be designated for each county in the state.

(3) The marketing of milk, cream or other dairy products to a handler, or in the case of a producer-handler, the sale of his own production in quantities exceeding three thousand pounds of milk or one hundred and fifty pounds of butter per month shall be a requisite for eligibility to vote.

Section 10. Whenever the commission has reason to believe that any person has violated any of the provisions of this Act, it shall certify the facts to the Attorney General or the

Commonwealth's Attorney of the district in which the violation occurred, who may in his discretion, take appropriate action.

Section 11. Any owner or operator of a plant or facilties, the use of which requires registration or the issuance of a permit under the provisions of this Act, who fails to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than six months nor more than one year, or both.

By Mr. Cobb.

H. Res. No. 26. A JOINT RESOLUTION authorizing payment of a claim by Corbitt Hurt against the Department of Highways and the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on December 20, 1950, Corbitt Hurt, an employe of the Department of Highways, Commonwealth of Kentucky, was involved in an automobile accident, while acting within the course and scope of his employment, in Grant County, Kentucky; and

WHEREAS, Corbitt Hurt was involved in much litigation as a result of this accident,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the amount of two hundred dollars is hereby appropriated out of the State Road Fund to reimburse Corbitt Hurt for these actual expenses, which he was forced to and did pay as a result of expenses incurred in the case of Bertha Morris v. Corbitt Hurt in the Grand Circuit Court. Immediately upon the effective date of this Resolution the Commissioner of Finance shall issue his warrant, in the amount of two hundred dollars upon the State Treasurer, who shall issue a check in like amount to Corbitt Hurt.

By Mr. Hilton.

H. Res. No. 27. A RESOLUTION concerning the naming

of Kentucky Highway No. 503 in honor of Corporal Ernest E. West.

Said resolution is as follows, viz:

WHEREAS, Ernest E. West, a resident of the Wurtland community in Greenup County, while serving as a Corporal in the army of the United States during the late hostilities in Korea, did distinguish himself by conspicuous gallantry above and beyond the call of duty in voluntarily accompanying a patrol directed to locate and destroy an enemy outpost of Communist forces near Sataeri, Korea, on October 12, 1952; and

WHEREAS, in nearing the objective, the patrol was ambushed and sustained numerous casualties, including the leader thereof, who, though wounded and lying in an exposed position, ordered his troops to withdraw; and

WHEREAS, Corporal West then braved intense enemy fire to reach and assist his leader, protecting his officer with his own body while under attack by three enemy soldiers employing hand grenades and small arms fire; and

WHEREAS, Corporal West, though blinded in one eye and otherwise critically wounded, was able to carry his officer and two other comrades to safety in two separate trips, killing all of his assailants; and

WHEREAS, Corporal West received the thanks of the United States on January 12, 1954 when he was presented with the Congressional Medal of Honor at the White House by President Eisenhower; and

WHEREAS, it is the desire of his home state to honor his courage and devotion; and

WHEREAS, in the words of the late Senator and Commissioner of Highways, Garrett Withers, the most important road in existence is always the road to a man's own home,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

(1) That Kentucky Highway No. 503, extending from

Wurtland, at its intersection with U.S. 23, to Ky. 207, be, and it is hereby, designated the Corporal Ernest E. West Highway, in honor of Corporal West who resides thereon; and

(2) That all governmental agencies, both federal and state, and all private agencies and other persons having occasion to refer to that highway, be requested to use the name "Corporal Ernest E. West Highway"; and

(3) That the Clerk of the House of Representatives is directed to forward copies of this resolution to Corporal Ernest E. West, and to the County Court Clerk of Greenup County for filing in the records of that county.

By Mr. Lambert.

H. Res. No. 28. A JOINT RESOLUTION authorizing and directing the payment of the claim of T. J. Nicely, Rockcastle County Court Clerk, for the recording of right of way deeds in favor of the Commonwealth of Kentucky, Department of Highways.

Said resolution is as follows, viz:

WHEREAS, prior to January 1, 1953, it had been the practice of the Commonwealth of Kentucky, Department of Highways, to pay county court clerks for recording right of ways deeds in favor of said department; and

WHEREAS, the department has ceased to follow that practice and has thereby reduced the compensation of county court clerks; and

WHEREAS, it is incumbent upon the Commonwealth to pay county court clerks for services rendered by them on behalf of the Commonwealth; and

WHEREAS, during the calendar year 1953, T. J. Nicely recorded one hundred and sixty-seven right of way deeds in favor of the Commonwealth of Kentucky, Department of Highways:

NOW, THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Finance is hereby authorized and

directed to pay to T. J. Nicely, Rockcastle County Court Clerk, the sum of three hundred thirty-seven dollars and twenty-five cents, and that sum is hereby appropriated out of the General Expenditure Fund of the State Treasury for that purpose.

By Mr. Harralson.

H. RES. No. 29. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner and the statutory guardian of Barbara Skinner, an infant, be and they are hereby authorized, permitted and empowered to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either, in such sum as will fairly and reasonably compensate the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, for the injuries and damages, if any, sustained by said estate and said persons as a direct and proximate result of the negligence, if any, of the Department of Kentucky State Police and the Commonwealth of Kentucky, and their agents or employes.

Section 2. Said suit by the personal representative of Glinnis Louise Ezell, deceased, shall be for a sum not in excess of twenty-five thousand dollars. Said suit on behalf of William Ezell shall be for a sum not in excess of twenty-five thousand dollars. Said suit on behalf of Mary Skinner shall be for a sum not in excess of twenty-five thousand dollars. Said suit on behalf of the statutory guardian of Barbara Skinner, an infant, shall be for a sum not in excess of six thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Hopkins Circuit Court, same being the Circuit Court having jurisdiction in Hopkins County, Kentucky,

the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hopkins Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditures Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Mr. Edmonds moved that the rules be suspended for the purpose of making a motion.

Said motion agreed to.

Mr. Edmonds moved that Mary Pat Baker be made an honorary page.

Said motion was agreed to.

REPORTS OF COMMITTEES.

Mr. Horn, Chairman of the Committee on Cities of the Third Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 115. AN ACT relating to the closing of circuit clerks' offices and amending section 61.160 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Horn, Chairman of the Committee on Cities of the Third Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 98. AN ACT relating to annexation by a third-class city located in two or more counties.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 71. AN ACT relating to the hearing of criminal and penal cases, and amending Section 23.160 of the Kentucky Revised Statutes.

H. Res. No. 14. A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. B. No. 32. AN ACT relating to compensation of members of the General Assembly and the Lieutenant-Governor.

H. B. No. 76. AN ACT relating to the execution and operation of a Southeastern Interstate Forest Fire Protection Compact.

S. B. No. 45. AN ACT relating to strip mining and the conservation and reclamation of natural resources affected thereby.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion was agreed to.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 50. AN ACT authorizing and adding one additional judge to the circuit court for the 35th circuit court district; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said circuit court, and providing for the manner in which said court shall be held and the business therein conducted.

Said bill is as follows, Viz:

WHEREAS, the population of Pike County, based on the 1950 Federal census, exceeds 80,000, and the area of Pike County is 779 square miles and that said county was constituted a separate judicial district by Chapter 209 of the Acts of the 1948 regular session of the General Assembly of Kentucky; and

WHEREAS, by virtue of the aforesaid Act of the General Assembly of 1948, the Pike circuit court has remained in session substantially ten months of each year since the passage of said Act; and

WHEREAS, during the calendar year 1953, said court remained in continuous session from the first Monday in January, 1953, until the 18th day of December, 1953, excepting July 27, 1953, to September 7, 1953, and, in addition to the work of the regular judge of said court, more than four hundred cases were certified to and tried by special judges; and

WHEREAS, on December 18, 1953, the regular judge of said court entered an order calling a special January term of said court, to be presided over by a special judge, in addition to the regular January term presided over by the regular judge of said court, and certified more than 600 cases for trial at said special January term; and

WHEREAS, on January 1, 1954, there were pending in the Pike circuit court, 440 criminal cases; 587 ordinary actions filed prior to July 1, 1953, 640 equity actions filed prior to July 1, 1953, and 274 civil actions filed between July 1, 1953, and December 31, 1953, under the new rules of civil procedure, making a total of 1,941 cases pending on the docket of the Pike circuit court as of January 1, 1954; and

WHEREAS, the General Assembly, giving due regard to the elements of territory, business, population and to the right of all persons to a speedy trial, as provided by the Constitution of this Commonwealth, finds from the aforesaid facts that an additional judge is necessary in said county and judicial district.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. One additional judge of the circuit court for the 35th Circuit Court District is hereby authorized and added to said court.

Section 2. The circuit court of said 35th Circuit Court District shall be divided into two divisions. One of the divisions shall be known and designated as the criminal division, and the other shall be known and designated as the civil division which shall be divided into jury and non-jury cases under the rules of civil procedure adopted by the Kentucky Court of Appeals and effective July 1, 1953. The judge of the court at the time the additional judge is provided shall be judge of the civil division, divided into jury and non-jury cases, and the additional judge shall be judge of the criminal division and in addition thereto shall be, together with the present judge of said judicial district, judge of the civil division, divided into jury and non-jury cases.

Section 3. Within thirty days after this Act shall have become effective, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the criminal division and the civil division, divided into jury and non-jury cases, of the 35th Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the criminal division and civil division of the 35th Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified and shall continue in office until his successor is elected and qualified as herein provided. At the regular election to be held on the first Tuesday after the first Monday in November, 1955, such additional judge shall be elected as other circuit court judges are required to be elected, and shall enter upon the duties of his office on the first Monday in January next succeeding his election. Such judge shall thereafter be elected at the time and in the manner circuit judges are required to be elected under the Constitution and the general election laws of this Commonwealth.

Section 4. Whereas, the congested condition of the docket of the Pike circuit court and the inability of one judge to try and dispose of the cases pending in said court, does not give to all

persons a prompt trial as contemplated by the Constitution of this Commonwealth, an emergency is declared to exist, and this Act shall become effective immediately upon its passage and signature by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Paul Cobb	Lon C. Hill
Walter J. Bailey	R. Josh Cosby	Estill R. Hilton
John Rhea Banton	Charles W. Craig	Chester J. Holsclaw
Charles E. Baumgardner, Sr.	W. Marvin Davis	Varna Holt
Owen Billington	John L. Day	William M. Horn
Leo A. Bleemel	Albert Dempsey	Jennings H. Kearby
J. C. Bradley	Harold Edmonds	Talmage Lacy
Edward O. Bridgers	Herbert Fern	George H. Lovelace
Charles W. Buchanan	Cabell D. Francis	Harry King Lowman
Harry M. Caudill	W. L. Hadden	Ralph E. McClanahan
Cassius M. Clay	C. Ruby Harralson	Caleb McFadden
	Harold G. Helm	William E. Maglinger
	David Heskamp	
	Henry R. Heyburn	

Damon Majors	Jack Raybourne, Jr.	E. H. Stumbo
William J. Marcum	L. M. Tipton Reed	C. Waitman Taylor
Tom Mobley	Robert Reid	Will Tom Wathen
Robert K. Montgomery	Russell Reynolds	W. W. Webster
	Lloyd E. Rogers	Hicks Wells
Walter R. Moorman	Joe Rouse	William B. Wells
Eddie J. Morris	William A. Routh	Mrs. Randolph Wilson
Goebel W. Newsom, Jr.	Cecil C. Sanders	
	W. R. Smith	Charles W. Wirsch
Foster Ockerman	Mrs. Thelma L. Stovall	Walker H. Wiseman
Louis T. Peniston		Dr. Clyde D. Wooton
Paul T. Ratcliffe		–67

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 67. AN ACT relating to the terms of court in the Twenty-third Judicial District.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (23) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(23) Twenty-third District. Estill County, at Irvine, on the first Monday in January, fourth Monday in April and the third Monday in September, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in Jan-

uary, third Monday in May and the second Monday in October, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in February, second Monday in June and the second Monday in November, twelve juridical days each.

Section 2. This Act shall become effective on July 1, 1954.

Mr. McClanahan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	Harold Edmonds
Walter J. Bailey	Harry M. Caudill	Herbert Fern
John Rhea Banton	Cassius M. Clay	Thomas P. Fitzpatrick
Clarence J. Barnum	Paul Cobb	Cabell D. Francis
Owen Billington	R. Josh Cosby	W. L. Hadden
Leo A. Bleemel	Charles W. Craig	C. Ruby Harralson
J. C. Bradley	W. Marvin Davis	Harold G. Helm
Edward O. Bridgers	John L. Day	David Heskamp
John Young Brown	Albert Dempsey	Henry R. Heyburn

Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following number bills, viz:

H. B. No. 77—Ky. Statutes No. 1

H. B. No. 117—Executive and Legislative Affairs

H. B. No. 118—Agriculture

H. B. No. 119—Ways and Means

H. B. No. 120—Ways and Means

H. B. No. 121—Ky. Statutes No. 1

H. B. No. 122—Criminal Law

H. B. No. 123—Ky. Statutes No. 1

H. B. No. 124—Motor Transportation

H. B. No. 125—Ky. Statutes No. 1

H. B. No. 126—Mines, Oils and Minerals

H. B. No. 127—Education

H. B. No. 128—Judiciary and Judicial Council

H. B. No. 129—Cities of the Third Class

H. B. No. 130—Judiciary and Judicial Council

H. B. No. 131—Ky. Statutes No. 1

H. B. No. 132—Railroads

H. B. No. 133—Revenue and Taxation

H. B. No. 134—Revenue and Taxation

H. B. No. 135—Higher Education

H. B. No. 136—Ky. Statutes No. 1

H. B. No. 137—Courts and Legal Procedure

H. B. No. 138—Appropriations

H. B. No. 139—Appropriations

H. B. No. 140—Appropriations

Mr. Lowman moved that the House adjourn until 1:00 P. M. Tuesday, February 2, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, FEBRUARY 2, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. McClanahan moved that the reading of the Journal of the proceedings of Monday, February 1, 1954, be dispensed with and same be approved.

Said motion was agreed to.

Mr. Lambert moved Senate Bill No. 45 be made a special order of business for Tuesday, February 9, 1954, at 1:00 P. M., or, if the House is not in session on Tuesday, then said bill be made special order for Wednesday at 1:00 P. M.

Motion was seconded by Mr. McFadden, and lost by voice vote.

Mr. L. M. Tipton Reed moved that Grant Gardner Satterly be made an honorary page.

Said motion was agreed to.

Mr. McCallum moved that John Gillum be made an honorary page.

Said motion was agreed to.

Mrs. Stovall moved that Judy Marie Schroeder, granddaughter of Sergeant-at-arms Robert W. Peebles, be made honorary page.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed a resolution originating in the House as follows, viz:

H. Res. No. 13. A JOINT RESOLUTION petitioning Congress to continue to maintain and operate locks on the Kentucky River.

Ordered that said resolution be delivered to the enrolling clerk.

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 18. AN ACT relating to refund of ad valorem taxes and of unconstitutional taxes.

Ordered that said bill be printed and referred.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection 1 of Section 134.590 of the Kentucky Revised Statutes is amended to read as follows:

When it appears to the Department of Revenue that money has been paid into the State Treasury for ad valorem taxes when no such taxes were in fact due, or for taxes of any kind paid under a statute held unconstitutional, the Department of Revenue shall refund the money, or cause it to be refunded, to the person who paid the same. This shall not authorize a refund to a person who has made payment of the tax due on any tract of land, unless the entire tax due the state on such land has been paid.

No such refund shall be made unless application for same is made in each case within two years from the time payment was made.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Jones, Mr. Young, Mr. Rouse, Mr. Peniston, Mr. Bleemel, Mr. Moorman, Mr. Clay, Mr. Banton and Mr. Webster, Mr. Harris and Mr. Morgan.

H. B. No. 166. AN ACT relating to stockyards.

Said bill is as follows, viz:

This Act requires that livestock yards of Kentucky be licensed, report receipts monthly, post bond as surety for payment of livestock, bond the weighmen employed and use only the scales recognized at satisfactory for livestock marketing needs.

Only 13 of Kentucky's 75 stockyards are under regulation of the Packers and Stockyard Act of the USDA. This Act places the same basic regulations on the unregulated yards and excuses

the regulated yards in instances of duplication, with the exception that they must be licensed and pay the required license fee.

Livestock produced in other states and sold through those Kentucky stockyards maintaining sanitary and disease control inspection under USDA supervision are exempt from the 1 and 3 cent per head deduction as provided in this Act.

The Act will produce revenue to support its enforcement and to aid in the enforcement of Chapter 257—Livestock Sanitation—of KRS.

AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Persons" shall include any individual, firm, association, partnership or corporation;

(2) "Department" means the Department of Agriculture, Labor and Statistics;

(3) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(4) "Board" means the State Board of Agriculture;

(5) "Stockyards" means any livestock yard, concentration point, packing plant, or any other public place where livestock is regularly assembled for sale or exchange and is bought, sold, or exchanged at auction or upon a commission or other basis, but, specifically, it does not include individual sales conducted by or for Future Farmers and 4-H groups, county, state or private fairs and breed or livestock associations or individual sales conducted by or for a person at which livestock of such person's ownership is sold or exchanged on his own premises;

(6) "Posted Stockyards" means stockyards regulated by the United States Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stat. 159) as amended and regulations promulgated under these statutes by the Secretary of Agriculture;

(7) "Owner or Operator" means persons responsible for the operation of each individual stockyards;

(8) "Sales Agency" means persons engaged in the business of buying or selling livestock on a commission basis;

(9) "Livestock" includes cattle, swine and sheep of all kinds and species.

Section 2. The department shall administer and enforce the provisions of this Act and is hereby authorized to formulate, adopt, promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 3. The commissioner, with the specific approval of the board, shall employ such inspectors and other employes as are necessary for the enforcement of this Act. Their duties shall be prescribed by the commissioner and their compensation shall be determined under the provisions of KRS 64.640.

Section 4. (1) The owner or operator of a stockyards shall file annually with the department, an application for a license to operate such a business under the provisions of this Act. Such applications shall be made on forms furnished by the department and shall state fully and correctly the nature of business to be conducted at the stockyards, the correct location and post office address, and any other additional information the department may require in accordance with the provisions of this Act.

(2) The owner or operator of each stockyard shall pay an annual license fee of fifty dollars plus twenty dollars for each scale operated in excess of one, except that this twenty dollar fee shall not be required for any scale inspected under the provisions of the Packers and Stockyards Act, 1921, (42 Stat. 159) as amended.

(3) In the case of transfer of ownership of a stockyards by purchase or otherwise, a new application must be filed with the department and a new license procured by the new owner before operation may continue.

(4) In instances where two or more stockyards are owned and operated by the same person, a separate application for

a license shall be filed and an individual license procured for each stockyard

(5) Before issuing a license the department shall determine that the applicant has satisfactorily complied with the provisions of this Act and with the applicable provisions of KRS Chapter 257.

Section 5. The owner or operator of each stockyard shall file with the department, at the beginning of each month, a sworn statement showing the exact number of each kind and species of livestock received and sold at that stockyards during the preceding month. Such statements shall be made on forms furnished by the department.

Section 6. (1) The owner or operator of each stockyard shall withhold from any money payable to the owner of livestock sold at that stockyard, a fee of one cent per head on all swine, calves under three hundred pounds, sheep and lambs, and three cents per head on all cattle three hundred pounds or over, and shall remit such fees collected to the State Treasury. Where such money is payable directly to the seller of livestock from a sales agency operating in the stockyard, said sales agency shall withhold the prescribed fees and remit such fees collected to the State Treasury.

(2) The provisions of this section shall not apply to livestock received from other states sold on a livestock market in Kentucky which maintains sanitary and disease control inspection supervised by the U. S. D. A.

Section 7. Each stockyard owner or licensee shall, during ordinary business hours, permit any authorized representative of the department to enter his place of business and inspect any or all property in his possession or control, and all records pertaining to the business of the stockyard owner or licensee, and make copies thereof. Any necessary facilities for such inspection shall be extended to such representative by the stockyard owner or licensee.

Section 8. (1) The owner or operator of any stockyard shall furnish a bond payable to the department, as trustee for the farmer, for the protection of consignors to whom such

owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts and shall be for not less than two thousand dollars nor more than fifty thousand dollars plus ten percent of the excess. This section shall not apply to posted stockyards.

(2) An average day's receipts shall be the total receipts of the previous year divided by the number of sale days. In the case of a newly established stockyard the amount of initial bond required shall be determined by the board.

(3) The required bond shall not be transferable and shall be returned upon termination of operation of the stockyard to the bondee after satisfactory settlement with all consignors of livestock is made.

Section 9. All scales used in stockyards shall be of a type registering with a balance indicator. Such scales shall be tested at least every six months by a scale agency approved by the department. Certification of such scales shall be exhibited before issuance or renewal or any stockyard license. This section shall not apply to posted stockyards.

Section 10. (1) The owner or operator of a stockyards shall furnish a bond to the department in the sum of one thousand dollars with surety to be approved by the department, conditioned on the faithful performance by its weighmen of their duties. If any weighmaster willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury to be credited to the general fund. This section shall not apply to posted stockyards.

(2) All persons suffering loss imposed by the fraudulent act of such weighman may recover valid claims from said bond not to exceed the amount of bond. Payment shall be made from the general fund of the State Treasury to which said bond was credited.

(3) It shall be unlawful for any weighman to misweigh or falsely report any weights or to otherwise fraudulently manipulate scales to produce a weight other than the true and actual weight of any livestock consigned to and sold at any stockyard.

Section 11. The department, with the approval of the board, may refuse to grant, or may revoke or suspend any license issued under the provisions of this Act for any violation of the provisions of this Act or any applicable provision of KRS Chapter 257.

Section 12. All license fees and all other fees collected under this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department in defraying the expense of enforcing the provisions of this Act and in conjunction with other funds made available for the enforcement of the provisions outlined in KRS Chapter 257.

Section 13. (1) Any person who violates any provision of section 5 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by section 5 shall constitute a separate offense.

(2) Any person who violates the provisions of section 10 or who attempts by any means to induce a weighman to falsely report the weight of any animal shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who violates any provision of this Act for which no other penalty is provided, or any rule or regulation made under the authority thereof, or who refuses to pay the fees herein required, shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned for not more than three months, or both.

By Mr. Jones, Mr. Young, Mr. Peniston, Mr. Webster, Mr. Banton, Mr. Bleemel, Mr. Harris, Mr. Morgan and Mr. Sanders.

H. B. No. 167. AN ACT relating to dairying; and providing for the creation of a Division of Dairying within the Department of Agriculture, Labor and Statistics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Board" means the State Board of Agriculture;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Department" means the Department of Agriculture, Labor and Statistics;

(4) "Division" means the Division of Dairying;

(5) "Committee" means the State Dairy Committee;

(6) "Director" means the Director of the Division of Dairying of the Department of Agriculture, Labor and Statistics;

(7) "Buyer" includes any person, partnership, corporation, association, organization or concern, who receives milk or cream from producers and pays for it on the basis of amount, weight or test; except that it does not include such persons buying milk or cream for their own consumption;

(8) "Buy," "Buying" or "Bought" means the purchase of non-packaged milk or cream from producers on the basis of amount, weight or tests;

(9) "Milk Tester" includes any person who tests milk or cream bought by buyers from producers, except those who test in connection with the milk-testing program of a regularly constituted health agency, to determine the constituents or quality of such milk or cream and uses, or submits for use, these tests in determining the price paid for it;

(10) "Sampler and Weigher" includes any person who samples and weighs milk or cream purchased by buyers from producers;

(11) "License to Buy" means the license issued under this Act to buyers of milk or cream purchased from producers on the basis of its volume, weight or test;

(12) "License to Test" means the license issued to milk and cream testers according to the provisions of this Act;

(13) "License to sample and weigh" means the license issued to samplers and weighers according to the provisions of this Act;

(14) "Producer" means any person, partnership, corporation, association, organization, or concern, who keeps milch-cows and takes from them milk which he sells or from which he separates the cream and sells;

(15) "Buying Location" means each separate business place where non-packaged milk or cream is purchased, such as cream buying station, milk receiving station, milk plant, creamery, cheese factory, condensery or ice cream factory;

(16) "Non-Packaged Milk or Cream" means milk or cream as it is usually received from the farm, before it is processed and put in bottles, cartons or other containers for consumer use;

(17) "Stamped Testware" means test bottles, test weights, test scales, and other test equipment, inspected and stamped with an indelible and distinguishing mark by the division;

(18) "Standard Testware" means bottles, test weights, pipettes and other measuring or calibrating devices approved by the director for use in Kentucky.

Section 2. A Division of Dairying is hereby created in the Department of Agriculture, Labor and Statistics to be under the supervision of the commissioner and an Advisory Dairy Committee, and shall promote, improve and regulate dairy products of Kentucky and make and enforce necessary rules and regulations for the industry.

Section 3. (1) Within the division there is created a Dairy Committee consisting of six members appointed by the Commissioner, composed of three producers and three milk processors, all citizens of this state; said members shall serve a term of four years subject to removal by the commissioner for cause.

(2) The committee shall meet at such time and place as the commissioner or director shall designate. Four members consisting of two producers and two processors, present at any meeting shall constitute a quorum. Upon the request of any three members, the commissioner or director shall call a meeting at the time and place requested. Members of the committee not already employed by the state shall be compensated at the rate of seven dollars and fifty cents per day for services on the com-

mittee while in session, and all members shall be reimbursed for any actual expense incurred in performing official duties.

(3) The committee shall act as an advisory board to the director and shall aid him in the promotion, and improvement of dairying, and assist him in formulating and enforcing necessary rules and regulations.

(4) The committee shall advise the director concerning enforcement of this Act, reporting violations, and the conducting of investigations and hearings concerning the revocation or suspension of a license.

Section 4. The division shall be headed by a director appointed by the commissioner, subject to the approval of the Governor. The director shall have a practical knowledge and experience in the manufacture of dairy products. The commissioner, with the advice and assistance of the director, shall appoint such employes, including inspectors, as are deemed necessary to carry out the provisions of this Act. Their duties shall be prescribed by the commissioner and their compensations shall be determined under the provisions of KRS 64.640.

Section 5. (1) The director shall:

(a) Assist dairy manufacturers, processors and handlers in improving the quality and merchandising techniques of dairy products sold to or manufactured in said factories, or handled by retailers;

(b) Procure the necessary personnel and facilities to check weights, samples, tests and records of milk and cream bought from producers;

(c) Promote and encourage the consumption of dairy products within the state;

(d) Submit a biennial report to the commissioner containing detailed information concerning the work performed by the division and such suggestions for improving the dairy industry as the commissioner may regard of public importance;

(e) Promulgate such rules and regulations as he may deem reasonable and necessary, for the inspection and stamping of glassware, testware and test weights used in testing milk and

cream to assure accuracy; and as to what constitutes standard testware;

(f) Publish and distribute from time to time bulletins under the supervision of the commissioner, containing the rules and regulations promulgated by the committee and other useful information to the dairy interests of this state.

(2) The director may:

(a) Subject to recommendation of the Committee, refuse, revoke or suspend licenses as provided in Section 15 of this Act;

(b) Enter into agreements with local agencies and organizations to aid and assist in the enforcement of this Act.

Section 6. (1) The director and inspectors in the employ of the division shall have the power to enter any factory or building where dairy products are manufactured, bought, handled or stored and open any package, can or vessel suspected of containing any article bought in violation of this Act.

(2) For the purposes mentioned in subsection (1) of this section, and in the enforcement and administration of this Act, the director and inspectors of the division may, without warrant enter and go into or upon any premises or building where dairy products are bought, sold, manufactured, handled or stored.

Section 7. It shall be unlawful for any buyer of milk or cream in this state to:

(1) Buy milk or cream from producers without obtaining a license for each buying location where such milk or cream is received;

(2) Receive and pay for milk or cream on the basis of weights or tests without having it weighed and sampled by a licensed weigher and sampler or tested by a licensed tester;

(3) Receive milk or cream purchased from producers by cream station operators or milk receiving stations, who do not have a "license to buy;"

(4) Use weighing, mixing, sampling, or testing equipment that is inaccurate or non-standard;

(5) Fail to comply with such regulations for weighing, sampling, and testing milk or cream as may be issued by the director in pursuance of the enforcement of this Act.

Section 8. (1) Except as provided in subsection (2) of this section, it shall be unlawful for any milk sampler or weigher in this state to:

(a) Sample or weigh milk or cream without obtaining a license to sample and weigh;

(b) Inaccurately sample or weigh milk or cream;

(c) Fail to comply with such regulations for the sampling or weighing milk or cream as may be issued by the director in pursuance of enforcement of this Act.

(2) Any milk tester who holds a license to test or a temporary permit to test, may sample and weigh milk or cream according to the provisions of this Act without obtaining a license to sample and weigh.

Section 9. It shall be unlawful for any milk tester in this state to;

(1) Weigh, sample or test milk or cream bought from producers without obtaining a license or permit to test as provided in this Act;

(2) Inaccurately weigh, sample, or test milk or cream;

(3) Use inaccurate, unstamped or nonstandard equipment in weighing, sampling or testing milk or cream.

Section 10. (1) Every person, partnership, corporation, association, organization or concern buying non-packaged milk or cream from producers shall secure and hold a "license to buy" for each buying location where such milk and cream is received and combined so that individual lots lose their identity.

(2) Application for license shall be made to the director on a form prescribed by him, and shall be accompanied by the license fee provided for in Section 14 of this Act.

(3) Upon receipt of the application and fee, the director shall issue to the buyer a license to buy milk or cream, pro-

vided the buyer has complied with the provisions of this Act and such regulations as may be issued by the director.

(4) The license issued pursuant to this section shall expire on June 30 of each year.

Section 11 (1) Except as provided in subsection (2) all persons who test milk or cream bought by buyers from producers shall secure and hold a "license to test."

(2) Any person who tests milk or cream bought by buyers from producers not holding a current license to test, shall demonstrate his proficiency in testing by satisfactorily passing an examination prescribed by the director. Prior to the successful completion of this examination he may apply for a temporary permit to test.

(3) Application for a license or temporary permit to test shall be made on a form prescribed by the director and accompanied by the license fee or permit fee provided for in Section 14 of this Act.

Section 12. (1) All persons who weigh or sample milk or cream bought by buyers from producers shall secure and hold a license to sample and weigh, provided, however, that licensed testers may sample and weigh under the authority of their "license to test."

(2) Application for a license shall be made on a form prescribed by the director and accompanied by the license fee provided for in Section 14 of this Act.

(3) Upon receipt of this application and fee, the director shall issue to the sampler and weigher a license to sample and weigh milk and cream, provided the sampler and weigher has complied with the provisions of this Act and such regulations as may be issued by the director.

(4) The license issued pursuant to this section shall expire on June 30 of each year.

Section 13. (1) The division shall have the power to inspect test equipment, including test bottles, pipettes, weights, scales and other measuring or calibrating devices used in testing milk and cream for the purpose of seeing if they are correct.

Test equipment found accurate shall be stamped, sealed or permanently marked so as to be distinguishable. The charge for inspecting test equipment shall be as prescribed by the director but not to exceed three cents per piece. Equipment to be stamped for use in Kentucky shall be limited to those items listed and described on an approved list published periodically by the director.

(2) For the purpose mentioned in subsection (1) of this section, and in the enforcement and administration of this Act, the director and inspector of the division may, without warrant enter and go into or upon any premises or building where test equipment contemplated in subsection (1) of this section is used in testing milk or cream.

Section 14. The license fees to be paid for those licenses provided for in sections 10, 11 and 12 of this Act shall be as follows:

(1) Buyers:

(a) Cream buyers shall pay a license fee of six dollars; provided, however, that those cream buyers beginning operation after July 1 shall pay a fee at the rate of fifty cents per month or fraction thereof, for the months remaining in the license year;

(b) Milk buyers shall pay a license fee of thirty-five dollars per year; provided, however, that those milk buyers beginning operation after July 1 shall pay a fee at the rate of five dollars per month or fraction thereof for the months remaining in the license year;

(2) Testers shall pay a license fee of two dollars to test or for a temporary permit to test;

(3) Samplers and weighers shall pay a license fee of two dollars.

Section 15. (1) The director may refuse, revoke or suspend any license, provided, however, that such revocation or suspension shall occur only when the licensee has failed to comply with the provisions of this Act or the rules and regulation thereunder, and then only upon recommendation to the director

by the committee, after the licensee has had an opporunity, upon due notice, at a hearing before said committee, to show cause why his license should not be revoked or suspended.

(2) The licensee may, within six days after refusal, revocation or suspension of his license, appeal to the Franklin Circuit Court.

(3) The appeal shall be made by the aggrieved party filing an attested copy of the order of the Committee, and all evidence heard as well as all steps taken by the committee relating to the contested order. Bond shall first be posted to secure the costs of the action, in a sum approved by the circuit clerk, with a corporate surety approved by the Department of Insurance as to solvency and responsibility.

(4) No formal pleadings shall be required in appeals from order of the board.

(5) Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure.

Section 16. All monies received under the provisions of this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department. No part of the revolving fund shall revert to the General Expenditure Fund of the state.

Section 17. Sections 260.170 to 260.270; and Subsections (3) and (4) of Section 260.990 of the Kentucky Revised Statutes are repealed.

Section 18. (1) Any person violating the provisions of Section 7 or Section 10 of this Act, shall be fined not less than fifty nor more than one hundred dollars for the first offense; and not less than one hundred dollars nor more than one thousand dollars for each subsequent offense.

(2) Any person violating any of the provisions of Sections 8, 9, 11 or 12 shall be fined not less than twenty-five dollars nor more than fifty dollars for the first offense; and not less than fifty dollars nor more than one hundred dollars for each subsequent offense.

By Mr. Billington, Mr. Clay, Mr. Sanders, Mr. Qualls, and Mr. Brown.

H. B. No. 168. AN ACT relating to inheritance and estate taxes; amending section 140.030 and section 140.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) If it appears, either from the will of the decedent or from extrinsic evidence, that an obligation of a contractual nature exists in favor of any person payable at or after death of the decedent, the sum so payable shall be treated for the purposes of this Chapter as a taxable transfer, unless it affirmatively appears by competent evidence that a consideration substantially equivalent in value to the amount due under the contract was paid or furnished by or for the other party thereto during the life of the decedent.

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), payable to the assured or his estate, shall be taxable as a part of the legacy as a distributable share of the beneficiary. The proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate or a trustee of a designated beneficiary other than the assured or his estate shall be tax-free. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

Section 2. Section 140.260 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any of the provisions of this Chapter, any life insurance company may pay the proceeds of any policy taxable under KRS 140.030 upon the life of a decedent or the balance due at the death of the decedent on an annuity contract to the person entitled thereto as soon as it has mailed to the Department of Revenue a notice, in such form as the department may prescribe, setting forth the fact of such payment. The for this notice as to payment of policy proceeds amounting to one thousand dollars or less.

By Mr. Morgan.

H. B. No. 169. AN ACT relating to the appointment and compensation of police court clerks in cities of the second class, and amending section 26.570 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.570 of the Kentucky Revised Statutes is amended to read as follows:

The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than eighteen hundred dollars nor more than three thousand dollars per annum. Upon appointment the clerk shall be eligible for classification under the City Civil Service law as provided in Chapter 90 of the Kentucky Revised Statutes the same as other city employes.

By Mr. Weintraub.

H. B. No. 170. AN ACT relating to prohibiting minors from attending race tracks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No minor as defined by KRS 337.010, shall enter the grounds

or enclosure of any race track at which a race meeting is being conducted under the jurisdiction of the State Racing Commission for the purpose of attending the races or for any other purpose.

By Mr. Morgan.

H. B. No. 171. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service or process in action based upon such warranties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No owner, operator or keeper of a retail store or food or meat market shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold by said owner, operator or keeper in the original container, can, box, bottle or other type of container in which it was received by said retailer from a manufacturer, processor or wholesaler and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened for examination of the contents thereof by the retailer. None of the provisions of KRS 361.150 shall be construed to create an implied warranty in any such case, it being the intention of the General Assembly that KRS 361.150 shall not apply in any such case.

Section 2. Any broker or manufacturer's representative handling articles of food or drink shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold or distributed by said broker or manufacturer's representative in the original container, can box, bottle or other type of container in which it was delivered from the manufacturer or processor and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened by the retailer for examination of the contents. The manufacturer or processor of such articles shall likewise be held to have impliedly warranted the soundness or condition or suit-

ability for use of any such articles. In any action based upon such an implied warranty, against a manufacturer or processor, service of process may be made upon any broker or manufacturer's representative who represents such manufacturer or processor in this state, and if such manufacturer or processor does not have such representative or agent within this state for the purpose of the service of process, such process may be made upon the Secretary of State in the same manner as is now provided for the service of process in other civil actions.

Section 3. Any manufacturer or processor selling merchandise or products in the Commonwealth of Kentucky shall designate a broker or agent or the Secretary of State of the Commonwealth as his process agent, and shall file such designation with the Secretary of State of the Commonwealth of Kentucky and if he has no resident agent or broker in the Commonwealth of Kentucky and is required to designate a process agent, he shall pay with the filing of such designation to the Treasurer of the Commonwealth of Kentucky to the General Fund, the same amount that is required by law for the designation of a corporate process agent.

Section 4. The venue of any actions arising under this Act shall be either in the county where the products or merchandise were purchased or in the county where the person aggrieved resides.

By Mr. Breathitt.

H. B. No. 172. AN ACT relating to special judges and amending Sections 23.220 and 23.230 of the Kentucky Revised Statutes, and repealing Sections 23.240 and 23.250 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.220 of the Kentucky Revised Statutes is amended to read as follows:

The regular circuit judges may act as special judges of the circuit courts. The commission issued to each regular circuit

judge shall have the effect of commissioning him a special judge of the Commonwealth with jurisdiction coextensive with the state, and the judge shall remain such as long as he continues to hold office under his commission as regular judge.

Section 2. Section 23.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) When, from any cause, a judge of any circuit court, whether of continuous session or terms, fails to attend, or being in attendance cannot properly preside in an action pending in the court, or if a vacancy occurs or exists in the office of circuit judge, or if either party files with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion. If any party to the action is a nonresident defendant, who has not entered his appearance nor been summoned, or is an infant defendant, the attorney appointed to defend for such nonresident or the guardian ad litem for such infant may agree with the other parties to the action upon an attorney having all the qualifications of a circuit judge to try the action. Any special judge so selected shall have all the powers and be subject to all the responsibilities of the regular judge of the court.

(2) If the parties cannot agree upon an attorney as provided in subsection (1) of this Section or if the regular judge determines that sufficient time is not available in which to ascertain if the parties can agree upon a member of the bar to act as judge, as provided in subsection (1) of this Section, or if he determines that it is impracticable to attempt to obtain agreement because of the large number of parties to the action to be tried, or for any reason, the clerk shall at once certify the facts to the Chief Justice of the Court of Appeals, who shall immediately designate a regular circuit judge, if one be available, and, if not, an attorney having the qualifications of a judge, to hold the court or try the action.

Section 3. Nothing in this Act shall have the effect of repealing or amending the provisions of KRS 24.150 and 24.240.

Section 4. Section 23.240 of the Kentucky Revised Statutes is hereby repealed.

Section 5. Section 23.250 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Billington, Mr. McFadden and Mr. Qualls.

H. B. No. 173. AN ACT to repeal KRS 242.125 (1), (2), (3) and (4), providing for separate vote on the prohibition of the sales of alcoholic beverages in cities of the first four classes, and the effective date of such repeal.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1:

That K. R. S. 242.125 (1), (2), (3) and (4), providing for separate vote on prohibition of the sale of alcoholic beverages in cities of the first four classes, as enacted by the 1948 General Assemby, be and is hereby repealed in its entirety.

SECTION 2:

This Act shall become effective on June 30, 1954, and any rights theretofore acquired in any city of the first four classes under K.R.S. 242.125 (1), (2), (3) and (4) shall thereupon cease.

By Mr. Melton.

H. B. No. 174. AN ACT providing for the refunding of excise taxes paid on gasoline used in city owned motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city purchasing gasoline for use in motor vehicles owned by the city, on which the tax as imposed by KRS 138.220 has been paid, shall be reimbursed to the extent of one hundred percent of the amount of the tax so paid on such gasoline; provided, however, that no refund shall be authorized

unless applications therefor and all necessary information shall be filed with the Department of Revenue within one hundred and twenty days from the date of purchase.

Section 2. No city shall secure a refund of the tax under section one of this Act unless it is the holder of a refund permit issued by the Department of Revenue before the purchase of the gasoline, which permit shall entitle such city to make applications for a refund under the provisions of this Act. To procure a permit every such city shall file with the department an application on forms furnished by the department setting forth such information incident to the refunding of the tax paid on gasoline as the department may require. Such applications shall be filed with the department at least fifteen days before the date when the permit is to become effective.

Section 3. No city shall be required to pay a fee for obtaining a refund permit under this Act.

By Mr. Harralson and Mr. Melton.

H. B. No. 175. AN ACT relating to insurance applications, and amending Section 304.656 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.656 of the Kentucky Revised Statutes is amended to read as follows:

(1) All statements or descriptions in any application for an insurance policy or in negotiations therefor, by or in behalf of the insured, shall be deemed to be representations and not warranties. Misrepresentations, unless material or fraudulent, shall not prevent a recovery on the policy.

(2) Any agent obtaining the application for a policy of insurance and the doctor who examines the insured, shall be deemed to be the agents of the insurer. If fraud be alleged by either party concerning the obtaining of such application, or writing in the answers given by the insured, or the issuance of a policy of insurance thereon, oral testimony shall be admissible to prove or defeat all such allegations.

REPORTS OF COMMITTEES

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 70. AN ACT relating to the Department of Military Affairs and the Active Militia of Kentucky.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 72. AN ACT relating to the establishment of a Kentucky Council on Regional Education and declaring an emergency.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 74. AN ACT relating to the National Guard of Kentucky.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 75. AN ACT relating to military law.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 77. AN ACT relating to the expenses of election, and amending Section 118.450 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 78. AN ACT relating to voting machines; authorizing the State Property and Buildings Commission to provide voting machines for any and all the counties of the Commonwealth at the expense of said counties; authorizing payment therefor by said counties through the issuance of Revenue Bonds by the State Property and Buildings Commission; and declaring an emergency.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 100. AN ACT relating to Alcoholic Beverages amending subsection (8) of Section 241.060 and Section 243.730 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass with committee amendments as follows:

Amendment No. 1.—On page 2, section 2, line 3, by deleting lines 3 through 10 and substituting in lieu thereof the following:

(1) Wholesalers of distilled spirits and wine may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the department is satisfied that the wholesaler is keeping proper records and makes reports at the time and in the manner prescribed by the department.

(2) Brewers of Malt Beverages may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the department is satisfied that the Brewer is keeping proper records and makes reports at the time and in the manner prescribed by the department.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 73. AN ACT relating to tax on use of gasoline.

With an expression of opinion that same should pass by way of Committee Substitute.

Said Committee Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

Whereas, it has come to the attention of the members of the General Assembly that many motor carriers, both intrastate and interstate, are purchasing gasoline without Kentucky and using such gasoline on the highways of Kentucky without payment of the gasoline tax levied under KRS 138.220 on such gasoline used on Kentucky highways, it is hereby declared to be the legislative policy of this Act to secure the payment of seven cents per gallon on all gasoline used by motor carriers on highways in this state whenever such gasoline is not taxed pursuant to KRS 138.220.

Section 2. As used in sections 1 to 18 inclusive of this Act unless the context requires otherwise:

1. "Department" means Department of Revenue.

2. "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010 (3).

3. "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

4. "Public Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of maintenance repair or reconstruction.

5. "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer, or semi-trailer, of a gross weight of not less than 18,000 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this commodities not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the state of Kentucky.

6. "City Bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

7. "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

8. "Gasoline" means gasoline as defined in KRS 138.210 (4).

9. "Period" means a calendar month.

Section 3. 1. For each period every motor carrier shall pay a tax equivalent to 7 cents per gallon on the amount of gasoline used in its operations on the public highways of this state.

2. The tax levied under subsection (1) of this section shall be computed and paid as provided in section 9 of this Act.

3. Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for construction, reconstruction, and maintenance of the rural and secondary highways of this state and for no other purpose.

Section 4. 1. A license shall be required of each motor carrier before it uses or continues to use gasoline on the public highways of this state.

2. Application for a license shall be made to the Department of Revenue on forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

3. Concurrently with the filing of an application for a license, the motor carrier shall file with the department a bond as required under section 5 of this Act. No license shall be issued to any motor carrier or continued in force unless such person has furnished a bond as provided in section 5 of this Act to secure payment of any and all gasoline use taxes, penalties and interest due.

4. The application for license in the proper form having been accepted for filing and bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the motor carrier a license; however, if an application for a license is filed by any motor carrier whose license has at any time previously been revoked by the department, or if the department is of the opinion that the person who makes the application is not the real party in interest, the license of which party has at any time prior to the filing of the application been revoked for cause or that the application is not for any reason filed in good faith, the department may after a hearing of which the applicant shall be given 10 days' notice in writing and at which he shall have the right to appear in person or by counsel, refuse to issue a license to that person.

5. All license to use gasoline on the public highways of this state shall be valid and remain in full force and

effect, unless suspended or revoked for cause or otherwise canceled.

6. A license to use gasoline on the public highways of this state shall not be assignable or transferrable and shall be valid only for the person in whose name it is issued.

7. Each holder of such license shall display such license number or other identification in the manner prescribed by the Department of Revenue.

8. The department shall keep and file all applications and bonds in an alphabetical index thereof.

Section 5. 1. Every motor carrier shall file with the Department of Revenue a bond in the minimum amount of $500 and in the maximum amount of not more than $10,000 on a form and in such amount and with surety as approved by the department. In the event that a bond is offered for approval which has been issued by a surety company, such company must be authorized to transact business within the state of Kentucky. The motor carrier shall be the principal obligor and the state shall be the obligee. The bond shall be conditioned upon the prompt filing of due returns and the payment by the motor carrier of all gasoline use taxes now or hereafter levied by this state, together with penalties and interest.

2. If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the motor carrier to file a new bond in the same form and amount with surety satisfactory to the department, failing which the department shall forthwith cancel the license of the motor carrier. If a new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

3. If, upon a hearing of which the motor carrier shall be given ten days' notice in writing, the department decides that the amount of the existing bond is not sufficient to insure payment to this state of the amount of the tax, penalties and interest for which the motor carrier is or may become liable, the

motor carrier shall forthwith, upon written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the motor carrier.

4. Any surety on a bond furnished by a motor carrier shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the time upon which the surety has lodged with the department, a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue prior to the expiration of the sixty-day period. The department shall promptly upon receipt of the request, notify the motor carrier who furnished the bond, and unless the motor carrier shall before the expiration of the sixty-day period file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license of the motor carrier. If the new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

Section 6.

1. If a motor carrier at any time files a false monthly return or fails or refuses to file a monthly return or to pay the full amount of the tax or violates any other provisions of this Act without a showing that such failure was due to reasonable cause and not willful neglect, the Department of Revenue may cancel the license of the motor carrier and suspend its privilege of using gasoline on the public highways of this state.

2. Upon voluntary surrender of the license or upon receipt of a written request by a motor carrier, the department shall cancel its license effective sixty days from the date of the request, but no such license shall be canceled upon surrender or request unless the motor carrier has prior to the date of cancellation paid to the state all taxes, penalties, interest, and fines that are due or have accrued, and unless the motor carrier has surrendered to the department its license.

3. If upon investigation the department ascertains that any motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six months, the department may cancel such license by giving the motor carrier sixty days' notice of cancellation mailed to his last known address in which event the license shall be surrendered to the department.

4. Whenever a motor carrier ceases to engage in business as such within this state, it shall notify the department in writing within fifteen days after the discontinuance. All taxes that have accrued as a result of the motor carrier's operations, whether or not then due, shall become due and payable concurrently with such discontinuance. The motor carrier shall make a return and pay all such taxes and any interest and penalties thereon, and shall surrender to the department its license.

5. If the license of a motor carrier is canceled by the department as provided in this section and if the motor carrier has paid to this state all of the taxes, interest, and penalties due under this Act, the department shall cause the bond filed by the motor carrier to be canceled.

Section 7. 1. Every motor carrier shall maintain complete records on all purchases, uses, and other dispositions of gasoline. Such records, together with manifest of lading, invoices and other papers pertaining to gasoline consumption, shall be retained for a minimum period of two years; and if requested by the department shall be made available for examination by the Department of Revenue.

Section 8.

1. Every motor carrier shall file with the Department of Revenue on forms prescribed by the department a monthly tax return. The return shall be made under penalty of perjury and shall show with reference to all locations at which gasoline is used the following information: the number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline used and the number of gallons used in this state, the number of gallons purchased in this state and the total number of gallons pur-

chased and used, the vendor from whom purchased, the number of gallons on which credit is claimed, or such other information as the department may require. The motor carrier shall file the return on or before the last day of the next succeeding calendar month following the period to which it relates.

2. The monthly tax returns shall be accompanied by a remittance in full of the tax due.

Section 9. The tax imposed by subsection (1) of section 3 of this Act, except as otherwise provided herein, shall be determined as follows:

1. The total number of gallons of gasoline used during the taxable period in the motor carrier's operations on the public highways shall be multiplied by the proportion that its miles operated in Kentucky during such period bears to its total miles operated both within and without Kentucky during such period. The resulting figure shall be deemed the number of gallons of gasoline used during such period in its Kentucky operations;

2. The number of gallons used within Kentucky, determined as provided in section (1) of this section, shall be multiplied by seven cents;

3. Tax shall be paid on the amount determined under subsection (2) of this section, after allowance of the credits set forth in section 10 of this Act.

Section 10.

1. Every motor carrier subject to the tax imposed by subsection (1) of section 3 of this Act shall be entitled to a credit for each period equivalent to seven cents per gallon on gasoline purchased by such carrier during such period for use in its operations on public highways within and without this state, provided such gasoline was purchased in Kentucky during the same period and the tax imposed by KRS 138.220 has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such motor carrier claiming the credit herein allowed.

2. The department shall at the close of each quarterly period, ending September 30, December 31, March 31, and

June 30, compute all credits granted by the department during such quarter, which credits shall be applied only to taxes due on any report filed within the succeeding quarter.

Section 11.

1. In order for a motor carrier to be entitled to the credit set forth in section 10 of this Act, he shall, on or before the last day of each month, make application to the department on forms and in the manner prescribed by the department for a credit for tax paid pursuant to KRS 138.220 on gasoline purchased in this state during the tax period. Such application for credit may be incorporated in the return. The department may require an applicant for a credit to supply with each application copies of receipts of all taxpaid purchases of gasoline purchased within this state on such forms as the department may require. The application shall be made under oath.

2. Upon the refusal of the department to authorize a gasoline tax credit the applicant may, in the manner and subject to the conditions provided in subsection (1) of KRS 131.110, petition for a review thereof by the Kentucky Tax Commission and if the applicant be not satisfied with the decision of the Commission he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 12. 1. Whenever, in the opinion of the department, the amount of credit for which application has been made by a motor carrier is not sufficient to reasonably justify the probable expenses of making an audit, the department may require such motor carrier to furnish such records as it deems necessary in order to determine whether or not the credits applied for constitute proper claims.

3. If gasoline taxes are erroneously credited, the department shall advise the payee by registered mail of the error. If the payee fails to reimburse the Commonwealth within fifteen days after receipt of the letter, action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount so erroneously credited plus a penalty of 20 per cent.

Section 13. 1. The returns required by Section 8 of this Act

shall be accompanied by a certified or cashier's check payable to the State Treasurer for the amount of tax due for the preceding calendar month computed as provided in Section 9 of this Act, except that the department may waive this requirement and accept the check of a motor carrier if the said motor carrier is of sound financial condition and has established a good record of compliance with the requirements of this Act.

Section 14. If any motor carrier gasoline user neglects or refuses to make the return or pay the tax at the time provided in Section 8 of this Act, a penalty of 20 per cent of the tax and interest of 6 percent per annum from the due date of the tax on both the tax and the penalty shall be paid.

2. If any motor carrier subject to the penalty provided in subsection 1 of this section submits to the department in writing the reasons for failure to comply with this Act and if the department finds the reason sufficient evidence to justify modifying the penalty provided in subsection 1 of this section, it may modify the penalty enacted therein to 5 per cent of the amount of tax due and delinquent, provided the 5 per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the preceding twelve months.

3. If the penalty provided by this section is collected by proceedings in court, an additional penalty of 20 per cent shall be collected and distributed as authorized by KRS 134.400. Whenever any motor carrier neglects or refuses to make and file any return for any calendar month as required by Section 8 of this Act, or files an incorrect or fraudulent return, the department shall determine after an investigation the number of gallons of gasoline with respect to which the motor carrier has incurred liability under Sections 3 and 9 of this Act for any particular month and assess and collect the amount of tax and penalties due.

4. Any motor carrier who fails to make any return required under the provisions of this Act within the time allowed may be required to pay a penalty of $10 to be assessed and collected in the manner provided for the assessment and collection of taxes, or may be proceeded against in a civil action instigated

by the department. In addition, such delinquent motor carrier may be compelled to make the required return.

5. In any action for the collection of gasoline use taxes and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the motor carrier to show that the assessment was incorrect or contrary to law.

Section 15. 1. It is unlawful for any person to:

(a) Fail to pay the tax imposed by this Act.

(b) Fail, neglect, or refuse to file any return required under this Act in the manner or within the time required.

(c) Make any false statement or conceal any material fact in any record, return, or affidavit provided for under this Act.

(d) Conduct any activities requiring a license under the provisions of this Act without such license or after such license has been surrendered, canceled, or revoked.

(e) Assign or attempt to assign a license issued under this Act.

(f) Violate any other provisions of this Act.

2. Any person violating any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for not less than 30 days nor more than six months or by both such fine and imprisonment.

3. The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provisions of this Act.

Section 16. 1. The Department of Revenue shall administer the provisions of this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

2. The Department of Revenue shall upon the request

of the officials to whom are entrusted the enforcement of the gasoline tax law of any other state, the United States, or the provinces of the Dominion of Canada, forward to such officials any information which it shall have relative to the receipt, sale, use, transportation, shipment, or delivery by any person of gasoline provided such state or states makes provision in its law for the furnishing of like information to this state.

Section 18. This Act shall be fully operative and shall apply to motor carriers using gasoline on or after July 1, 1954.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 84. AN ACT relating to Mechanics' and Materialmen's Liens.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 85. AN ACT relating to statutory liens; and amending section 376.200 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 88. AN ACT relating to the organization and powers of water districts, and declaring an emergency.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 17. AN ACT relating to the sales of realty of infants and persons of unsound mind.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Dowell, Chairman of the Committee on Fifth Class Cities, to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 22. AN ACT changing the classification of the City of Fort Wright, in Kenton County.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 87. AN ACT relating to deputy constables and declaring an emergency.

With an expression of opinion that same should pass by way of Committee Substitute.

Said Committee Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies.

(2) Deputy constables may be removed at any time for

any cause deemed sufficient by the constable by order of the county court entered after filing of a written direction by the constable.

(3) Each deputy constable in counties containing a city of the first class, shall be compensated for his services by salary fixed by the fiscal court and paid out of the county levy.

Section 2. Whereas, if it is deemed necessary to authorize an increase in the compensation of deputy constables in counties containing a first class city, an emergency is declared to exist and this Acts shall take effect upon its passage and approval by the Governor.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 61. AN ACT relating to compensation for court reporters in circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 86. AN ACT relating to meetings of board of commissioners in cities of the second class, third class and fourth class.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 103. AN ACT relating to the appointment of a County Indexer in counties containing second class cities.

With the expression of opinion that same should pass with committee amendment as follows:

Amendment—On page 2, section 3, line 30, by striking the words "A sum not less than $3,500 nor more than $4,500.00 per annum".

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 115. AN ACT relating to the closing time of circuit court clerk's offices and amending section 61.160 of the Kentucky Revised Statutes.

H. B. No. 98. AN ACT relating to annexation by a third-class city located in two or more counties.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 45. AN ACT relating to strip mining and the conservation and reclamation of natural resources affected thereby.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Strip mining" means all or any part of the process followed in the production of commercial coal from a natural coal deposit by the open pit or open cut method;

(2) "Overburden" means all the earth and other materials which are removed to gain access to the commercial coal in the process of strip mining;

(3) "Spoil bank" means a deposit of removed overburden of more than twelve inches in depth;

(4) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which a spoil bank is to be or has been deposited;

(5) "Operation" means all of the premises, facilities, and equipment used in the process of producing coal from a designated strip mine area;

(6) "Operator" means any person, partnership, or corporation engaged in strip mining who removes or intends to remove more than two hundred and fifty tons of coal from the earth by strip mining within twelve successive calendar months;

(7) "Person" means person, partnership, or corporation;

(8) "Director" means the Director of Strip Mining and Reclamation;

(9) "Commission" means the Strip Mining and Reclamation Commission created by Section 3 of this Act;

(10) "Reclamation" means the reconditioning of the area of land affected by a strip mining operation under a plan approved by the commission.

Section 2. The General Assembly finds that the unregulated strip mining of coal causes soil erosion, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the strip mining of coal due primarily to differences in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. The General Assembly further finds that other commercial activities involving the removal of minerals and other natural substances other than coal from the earth by strip mining occasionally cause conditions or create results of the character enumerated above, but that no imminent or inordinate peril presently exists by reason thereof. Therefore, it is the purpose of this Act to provide such regulation and control of the strip mining of coal as to minimize its injurious effects as much as may be practicable.

Section 3. There hereby is created a Strip Mining and Reclamation Commission, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes, and which shall be composed of the Commissioner of Conservation, serving as chairman, the Chief of the Department of Mines and Minerals, and the Director of Strip Mining and Reclamation provided for in Section 4 of this Act. The members of the commission, other than the Director of Strip Mining and Reclamation, shall receive no compensation for their services on the commission, but shall be reimbursed for their expenses incurred in performing their functions. The commission shall meet from time to time on the call of any member, but shall meet at least four times each year.

Section 4. The Director of Strip Mining and Reclamation

shall be appointed by the Governor for a term not to exceed four years. The director shall receive a salary to be fixed by the Governor, and shall be reimbursed for expenses incurred in the performance of his duties. He shall be the executive officer of the commission and shall have supervision of the commission staff. The commission shall have power to employ such personnel as may be required to carry out the purposes of this Act. However, the services and facilities of other state agencies, within the scope of their regular functions, shall be utilized as far as possible to minimize the personnel requirements of this Act.

Section 5. The commission shall have and be entitled to exercise the following authority and powers:

(1) To exercise general supervision and administration and enforcement of this Act and all rules and regulations and orders promulgated thereunder;

(2) To encourage and conduct investigations, research, experiments and demonstrations and to collect and disseminate information relating to strip mining and the reclamation of lands and waters affected by strip mining;

(3) To adopt, after giving notice to all operators actively engaged in strip mining and affording them an opportunity to appear and offer evidence at a public hearing, general rules and regulations pertaining to strip mining to accomplish the purposes of this Act;

(4) To adopt, without hearing, rules and regulations with respect to procedural aspects of hearings, the filing of reports and orders, the issuance of permits and other matters;

(5) To issue, after hearing, orders requiring the adoption by an operator of such remedial measures necessary for the reclamation of the area of land affected by his operation;

(6) To examine and pass upon all plans and specifications submitted by the operator for the reclamation of the area of land affected by his operation;

(7) To make investigations or inspections which may be deemed necessary to insure compliance with any provision of

this Act, and to examine or compel the production of any records or memoranda relating to a strip mining operation;

(8) To conduct hearings under regulations of the commission, to compel the attendance of witnesses and examine them under oath at such hearings.

Section 6. (1) After July 1, 1954, no operator shall engage in strip mining without having first obtained from the commission a permit, designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance.

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highway;

(b) The owner or owners of the surface of the area of land to be affected by the permit;

(c) The owner or owners of the coal to be mined;

(d) The source of the applicant's legal right to enter and mine the coal on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant;

(f) Whether the applicant holds any other permits under this Act, and an identification of such permits.

(3) A map, certified by the operator as to accuracy, shall be filed showing:

(a) The boundary lines of the area of land to be affected by the operation;

(b) The area of land of each property owner affected;

(c) Property and county lines coming within the scope of the map;

(d) Any available traverse lines of ground survey and their relationship to established subdivision lines;

(e) Streams and ditches and their direction of flow, standing bodies of water, public highways, railroad tracks, gas and oil wells, overhead and underground transmission lines and pipes coming within the scope of the map.

(4) A basic fee of fifty dollars plus ten dollars for each acre or fraction thereof of the land to be affected by the operation shall be paid. The operator shall file with the commission a bond payable to the Commonwealth of Kentucky with surety satisfactory to the commission in the penal sum to be determined by the commission of not less than one hundred nor more than two hundred and fifty dollars for each acre or fraction thereof to be affected by the operation, conditioned upon the faithful performance of the requirements set forth in this Act and by the rules and regulations of the commission. In determining the amount of said bond within the above limitations, the commission shall take into consideration the purposes for which the bond is required, the character and future suitable use of the land involved and the cost of reclamation to be required.

Section 7. The commission may increase or reduce the area of land affected by an operation under a permit on application by an operator, but an increase shall not extend the period for which an original permit was issued. An operator may, at any time within one year from the date of issuance of the permit, apply to the commission for an amendment of the permit so as to increase or reduce the acreage affected by it. The operator shall file an application and map in the same form and with the same content as required for an original application under Section 6 of this Act and shall pay a basic fee of ten dollars, plus a fee of ten dollars for each acre or fraction of acre for the increase requested, and shall file with the commission a supplemental bond in the amount to be determined under the provisions of Section 6 of this Act for each acre or fraction of an acre of the increase approved. If the commission approves a reduction in the acreage covered by the original permit, it shall release the bond for each acre reduced.

Section 8. An operator may conduct other mining operations from premises covered by a strip mining permit with approval of the commission, subject to the provisions of KRS Chap-

ters 351 and 352. In applying to the commission for such approval, he shall furnish the commission with a revised copy of the map of the area on which his permit was based on which he shall designate other mining locations, the location of outside haulageways and other parts of the area necessary to the conduct of other mining operations. The commission may authorize the operator to defer the reclamation of the area covered by such operations during such time as other bona fide mining operations are carried out. The bond covering that area shall remain in effect until reclamation of it has been completed by the operator under a plan approved by the commission.

Section 9. Under regulations adopted by the commission, an operator shall prepare and carry out a reclamation plan for the area of land affected by his operation which shall, after approval by the commission, require him to:

(1) Cover the face of the coal and, where practicable, all toxic materials, roof coal, pyritic coal or shale determined by the commission to be acid-producing or creating a fire hazard;

(2) Seal off any break-through creating a hazard;

(3) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(4) Remove or bury all metal, lumber and other refuse resulting from the operation;

(5) Grade spoil banks where practicable and provide suitable vegetative cover.

Section 10. (1) It shall be the duty of an operator to commence the reclamation of the area of land affected by his operation as soon as possible after the beginning of strip mining of that area, and to complete such reclamation as soon as may be feasible. Before an operator commences to reclaim an area of land affected, he shall file with the commission a plan of reclamation. The commission may require modification of the plan to meet the requirements of this Act or of its regulations. The commission shall allow the operator a reasonable period of time to complete the reclamation of that area of land affected by his operation.

(2) If an investigation indicates that planting so as to provide vegetative cover of an area of land affected by strip mining may not be successful, the commission may authorize the operator to defer such planting until the soil has become suitable for such purposes, or it may authorize the operator to do planting to provide vegetative cover for a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip mining in the past which has soil that has become suitable for planting, of not less acreage than the land covered by the permit, and be of a character similar to the land covered by the permit. An application by the operator for authority to plant a different area of land shall identify the different area and shall be accompanied by a map showing its location, area and boundaries. The application shall be accompanied by the written consent of the owner of the different area of land, and by the written consent of the owner of the land covered by the permit to release the operator from his obligation to provide a vegetative cover for the land covered by the permit. If the commission grants the application for the planting of a different area of land and the planting is carried out in accordance with its orders, the operator shall be relieved of his obligation to provide a vegetative cover for the area of land affected by his operation for which a different area of land has been substituted.

Section 11. If the commission authorizes an operator to defer planting to provide vegetative cover for an area of land, it shall set the time within which such planting shall be carried out. If the operator has carried out on that area of land the reclamation plan approved by the commission other than the planting, the commission shall issue to the operator and to his surety a release of his surety bond or other securities held on deposit for each acre of land for which such reclamation has been carried out, less the sum of fifty dollars for each acre. The remaining amount of the bond of fifty dollars for each acre of land affected shall remain in the possession of the commission until a satisfactory planting plan has been carried out, or until it has been forfeited by the operator. If the remainder is forfeited, it shall be expended by the commission in a planting program for the area of land for which it had been posted.

Section 12. Within sixty days after the date of expiration of a permit, the operator shall file with the commission a report stating the exact number of acres of land affected by the operation, the extent of reclamation already accomplished by him, and such other information as may be required by the rules and regulations of the commission. The report shall be accompanied by a copy of the map filed with the original application which shall show any revisions made necessary by results of the operation. If the report shows that the operator has complied with the requirements of this Act and with the rules and regulations of the commission and has carried out a plan of reclamation approved by the commission, the commission shall approve the report and the bond filed by him as surety shall be released by the commission. If the commission does not approve the report, the bond shall not be released until the operator complies with the orders of the commission to meet the requirements of this Act and of its regulations.

Section 13. (1) If the requirements of this Act or the orders of the commission have not been complied with within the time limits set by the commission or by this Act, the commission shall cause a notice of noncompliance to be served upon the operator by registered mail addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this Act or the regulations or orders of the commission. If the operator has not reached an agreement with the commission or has not complied with the requirements set forth by it within forty days after mailing of the notice, the permit may be revoked by the commission and the performance bond shall then be forfeited to the commission.

(2) When a bond is forfeited pursuant to the provisions of this Act, the director shall give notice to the Attorney General, who shall collect the forfeiture.

Section 14. All sums received through the payment of fees or the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency account to be designated as the Strip Mining and Reclamation Fund. This fund shall be available to the commission and may be expended for the administration and enforcement of this Act and for the reclamation of land

affected by strip mining operations. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this Act until expended or until appropriated by subsequent legislative action.

Section 15. In the reclamation of land affected by strip mining for which it has funds available, the commission may avail itself of any services which may be provided by other state agencies or by agencies of the Federal government, and may compensate them for such services. The commission may cause the reclamation work to be done by its own employes or by employes of other governmental agencies or through contracts with qualified persons. Such contracts shall be awarded to the lowest or best bidder upon competitive bids after reasonable advertisement. The commission and any other agency and any contractor under a contract with the commission shall have the right of access to the land affected to carry out such reclamation.

Section 16. Any person aggrieved by any order, determination, ruling or regulation of the commission or of the director may apply to the commission for a review thereof within thirty days after issuance thereof. The commission shall review the matter as soon as practicable, hear the parties, their representatives and witnesses, and make a final determination of the issue, a copy of which shall be mailed to the complainant. Within twenty days after the mailing of a copy of the final determination, any person aggrieved may appeal therefrom on any question of law, including adequacy of evidence, to the Franklin Circuit Court. The complaint shall state fully the grounds upon which a review is sought and assign all errors relied on. Two copies of the complaint shall be filed with the commission on the day it is filed with the clerk of the Franklin Circuit Court. The appellant shall file as a part of his complaint the record before the commission, including all pleadings, orders and such parts of the evidence as he believes necessary to develop the points involved. The commission may certify other portions of the evidence. To facilitate final adjudication of the matter, the commission shall furnish to the appellant, on payment of a reasonable fee to be fixed by the commission, a certified copy of such parts of the record as he may require. The case shall then be heard by the court on the

record, except that either party may introduce evidence of fraud. Except as otherwise expressly provided, the Rules of Civil Procedure shall govern procedure involving appeals under this section.

Section 17. (1) Any operator who engages in strip mining in violation of the provisions of this Act shall be fined not less than one hundred dollars nor more than five thousand dollars for each offense, and each day upon which a violation occurs or continues shall constitute a separate offense.

(2) Any person who wilfully misrepresents any fact or wilfully gives false information in any application or report under this Act shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Section 18. To carry out the purposes of this Act, there is appropriated to the commission out of the General Expenditure Fund in the State Treasury the sum of five thousand dollars for the balance of the 1953-54 fiscal year, the sum of fifteen thousand dollars for the 1954-55 fiscal year, and the sum of fifteen thousand dollars for the 1955-56 fiscal year.

Section 19. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof, any conservation or mining laws, but shall be held and construed as ancillary and supplemental thereto. No regulation or order of the commission under this Act shall be in conflict with any regulation or order of the Kentucky Water Pollution Control Commission relating to the disposal of water from a strip mining operation.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Lowman moved that the debate be unlimited. Agreed to.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Rayboùrne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson

T. D. Winstead Walker H. Wiseman Paul E. Young
Charles W. Wirsch —72

Those who voted in the negative were—

J. Murray Blue	Varna Holt	Alton B. Mitchell
John Young Brown	Talmage Lacy	Tom Mobley
Paul Cobb	James W. Lambert	Roger E. Qualls
Charles W. Craig	Caleb McFadden	Russell Reynolds
Albert Dempsey	William E. Mag-	LeRoy Saylor
O. O. Duncan	linger	E. H. Stumbo
C. Ruby Harralson	William J. Marcum	Dr. Clyde D. Wooton
Harold G. Helm	George R. Martin	—22

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Mobley requested that the following statement appear in the Journal, regarding his vote on S. B. No. 45.

Without objection, it is so ordered by the Speaker.

Said statement is as follows:

Mr. Speaker: I am voting against S. B. No. 45 because it has an appropriation. I asked for an appropriation for Cerebral Palsy schools and was refused unless a special tax bill providing this money was passed. So therefore I vote no on this bill.

Mr. Morris stated that had he had an opportunity to vote before the roll call was announced on S. B. No. 45, that he would have changed his vote from passing to voting Aye on said bill, and asked that the Journal so show.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 14. A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of said Ernest L. Love, deceased, for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining the right of way along North Main Street in the City of Elizabethtown, Hardin County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $103,779.50.

Section 3. That the action herein authorized and permitted may be brought in the Hardin Circuit Court, same being the Circuit Court having jurisdiction in Hardin County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hardin Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Mr. Bridger moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe

Robert Reid	W. R. Smith	W. W. Webster
Russell Reynolds	Mrs. Thelma L. Stovall	Morris Weintraub
Lloyd E. Rogers	E. H. Stumbo	Hicks Wells
Joe Rouse	C. Waitman Taylor	Charles W. Wirsch
William A. Routh	Eulick Walsh	Walker H. Wiseman
Cecil C. Sanders	Will Tom Wathen	Dr. Clyde D. Wooton
LeRoy Saylor		Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 76. AN ACT relating to the execution and operation of a Southeastern Interstate Forest Fire Protection Compact.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor, on behalf of the Commonwealth of Kentucky, is hereby authorized to execute a compact in substantially the following form, with any one or more of the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, and the General Assembly hereby signifies in advance its approval and ratification of such compact:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I

The purpose of this compact is to promote effective prevention and control of forest fires in the Southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting

services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

Article II

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

Article III

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the Governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory

committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V

Whenever the forces of any member states are rendering outside aid pursuant to the request of another member state under this compact, the employes of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employes of the state to which they are rendering aid.

No member state or its officers or employes rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under

the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employes and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employes and the representatives of deceased employes in case employes sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employe shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

Article VI

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

Article VII

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state, as the law of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

Section 2. When the Governor shall have executed a compact, as authorized by Section 1 of this Act, on behalf of the Commonwealth of Kentucky and shall have caused a verified copy thereof to be filed with the Secretary of State, and when said compact shall have been ratified by one or more of the states named in Section 1 of this Act, then said compact shall become operative and effective as between the Commonwealth of Kentucky and such other state or states. The Governor is

hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between the Commonwealth of Kentucky and any other state ratifying said compact.

Section 3. The General Assembly hereby gives its assent to the mutual aid provisions of Articles IV and V of the South Central Interstate Forest Fire Protection Compact in accordance with Article VIII of that compact relating to inter-regional mutual aid; and the General Assembly also hereby gives its assent to the mutual aid provisions of Articles IV and V of the Middle Atlantic Interstate Forest Fire Protection Compact in accordance with Article VIII of that compact relating to inter-regional mutual aid.

Section 4. The Director of the Division of Forestry of the Department of Conservation shall be the compact administrator representing the Commonwealth of Kentucky as provided for in Article III of the compact approved by Section 1 of this Act. The Division of Forestry is hereby authorized to do any and all things required to make effective the provisions of the compact.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. ——— moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

INTRODUCTION OF RESOLUTION

Mr. Dressman moved that the rules of the House be suspended for the purpose of introducing a resolution.

Said motion was agreed to.

Resolution of the following title was introduced and ordered to be printed and referred, viz:

By Mr. Dressman.

H. Res. No. 30. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission of existing facilities for state-supported higher education, of needed expansion of present facilities, and of desirable institution of state-supported higher education programs in those areas of the Commonwealth not immediately adjacent to counties in which the University and state colleges are located.

Said resolution is as follows, viz:

WHEREAS, the General Assembly recognizes the support of higher education to be a proper function of the state government; and

WHEREAS, such higher education should be available to as many as can take advantage of its offering; and

WHEREAS, the General Assembly in the past has recognized the benefits of a broad offering of higher education by establishing state-supported institutions of higher learning throughout the Commonwealth; and

WHEREAS, a large proportion of the population of the Commonwealth resides in areas distant from the present institutions; and

WHEREAS, some doubt exists as to whether the present state-supported facilities render higher education available to as many as conveniently can take advantage of it;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is

hereby authorized and directed to investigate, study and survey the availability of state-supported higher education to the people of the Commonwealth.

Section 2. The Legislative Research Commission in effectuating this resolution shall secure the cooperation and assistance of the University of Kentucky, the state colleges and such other officers and consultants as it may deem advisable.

Section 3. The Legislative Research Commission shall report its findings and recommendations, if any, to the 1956 regular session of the General Assembly.

Mr. Moorman moved that the House adjourn until 1:00 P. M. Wednesday, February 3, 1954.

Said motion was agreed to.

And the House did then adjourn.

WEDNESDAY, FEBRUARY 3, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Paul Stauffer, Pastor of the First Christian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	Charles W. Craig
Walter J. Bailey	Edward O. Bridgers	W. Marvin Davis
John Rhea Banton	Charles W. Buchanan	John L. Day
Clarence J. Barnum	Harry M. Caudill	Albert Dempsey
Wallace Bartley	Cassius M. Clay	C. E. Dowell
Charles E. Baumgardner, Sr.	Paul Cobb	James A. Dressman, Jr.
Leo A. Bleemel	William J. Conley	O. O. Duncan
J. Murray Blue	R. Josh Cosby	Harold Edmonds
J. C. Bradley	Vernor O. Cottengim	Addison L. Everett
		Herbert Fern

Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

—95

Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, February 2, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Hobart Rayburn moved that leave of absence be granted to Representative Treadway, who was absent on account of illness.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to all absent members.

Said motion was agreed to.

Mr. Heyburn moved that Patricia Ann Hunter, Earl Franklin Greer, Nancyanna Wather, Kenneth Jones, Charles Moffett, Susan Boynton, Phoebe Keith, Robert Ring be made honorary pages.

Said motion was agreed to.

Mr. Mitchell moved that Kenneth R. Tuggle, John C. Belau, Victor Thomas, Murray and Thomas M. Mitchell be made honorary pages.

Said motion was agreed to.

Mr. Conley moved that Patricia Hill and Penny Hill be made honorary pages.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. B. No. 176. AN ACT relating to frozen food locker plants.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 221.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Health;

(2) "Department" means the Department of Health;

(3) "Food" includes any article used by man for food, drink, confectionery or condiment, or which enters into the composition of the same whether simple, blended, mixed or compounded;

(4) "Frozen food locker plant" means a location or estab-

lishment in which space in individual lockers is rented to persons for storage of frozen food and which is equipped with a chill room, sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging meats and meat products, fruits and vegetables;

(5) "Branch frozen food locker plant" means a location or establishment in which space in individual lockers is rented to persons for storage of frozen food after preparation for storage at a frozen food locker plant;

(6) "Sharp frozen" means the freezing of food in a room in which the temperature is zero degrees (Fahrenheit) or lower.

Section 2. Subsection (2) of Section 221.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) There shall be paid to the commissioner with each application for a refrigerated locker license or for renewal of such license an annual license fee of ten dollars and the funds therefrom shall be disbursed by the commissioner for the enforcement of KRS 221.010 to 221.100.

Section 3. Subsection (1) of Section 221.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department, through its commissioner or his authorized agents, shall have the authority of supervising and enforcing the provisions of KRS 221.010 to 221.100.

Section 4. Subsection (1) of Section 221.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may revoke or suspend a frozen food locker plant license if he finds on investigation that the licensee has violated any provisions of the law relating to frozen food locker plants or any law relating to the handling of human food, or has failed to comply with any regulation adopted pursuant to such laws; or that the premises or any equipment used in connection therewith is in an unsanitary condition.

Section 5. Upon the effective date of this Act, or as soon as practical thereafter, the Commissioner of Agriculture, Labor and Statistics shall deliver to the Commissioner of Health all

undisbursed funds derived from the collection of refrigerated locker licenses or renewals of such licenses.

Section 6. Section 221.050 of the Kentucky Revised Statutes is hereby repealed.

Section 7. This Act shall become effective January 1, 1955.

By Mr. Lowman.

H. B. No. 177. AN ACT relating to births and deaths.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 213.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The health officer or health administrator in each county shall be the local registrar of vital statistics in the county. The health officer or health administrator may appoint one or more employes of the local health department as deputy registrars to discharge the duties of the local registrar as prescribed by law and by the rules and regulations of the State Department of Health and may, with the approval of the State Department of Health, appoint such other deputy registrars as may be necessary who need not be employes of the local health department.

(2) If any county health department is without the services of a health officer or health administrator, the principal clerk of the health department shall be the local registrar until a health officer or health administrator is appointed.

(3) In counties in which a county department of health is not maintained the State Department of Health shall appoint a person to be the local registrar. Such person shall possess the training and qualifications prescribed by the State Department of Health, and shall hold office at the pleasure of the department; provided, however, that upon the establishment of a health department in said county, the State Department of Health shall notify the local registrar that his employment is terminated and order him to transfer all the records in his possession to the county department of health.

Section 2. Subsection (1) of Section 213.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The attending physician or midwife shall sign and file a certificate of birth with the local registrar of the district in which the birth occurred within ten days after the date of birth. The certificate shall be properly and completely filled out, and shall contain the date of signature, the address, and all the information required by this Chapter. If the mother of a child informs the physician, midwife, or a person prescribed by subsection (2) of KRS 213.050 that the child was born out of wedlock, the name of the father shall not be inserted in the birth certificate and the certificate of birth of said child shall be in the surname of the mother. However, the Director of the Division of Vital Statistics shall insert the name of the father and change the name of the child to the surname of the father if paternity is established in a legal action, or if an affidavit is filed stating that the affiant is the father of the child.

Section 3. Section 213.070 of the Kentucky Revised Statutes is amended to read as follows:

Stillbirths shall be reported on a certificate prescribed by the State Department of Health which shall set forth the facts of birth and death and shall be signed by the attending physician, if any. A burial or removal permit in usual form is required.

Section 4. Subsection (1) of Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

Each physician or midwife shall be entitled to receive the sum of twenty-five cents for each certificate of birth or death properly and correctly filled out, signed and reported. Each local registrar in a county having no county health department shall be entitled to receive the sum of fifty cents for each such certificate registered with him and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar in a county having no health department shall be entitled to receive the sum of fifty cents for each report to that effect promptly made in accordance with this Chapter.

Section 5. Section 213.170 of the Kentucky Revised Statutes is amended to read as follows:

The local registrar shall supply blank forms of certificates to persons who require them. He shall carefully examine each certificate of birth, stillbirth or death when presented for record, to see that it has been properly made out. If the certificates are properly made out he shall sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each certificate, to be filed and permanently preserved in his office as the local record, in the manner directed by the Division of Vital Statistics. He shall on the first and fifteenth of each month transmit to the Division of Vital Statistics all original certificates registered by him. When a birth, stillbirth or death certificate filed with a local registrar shows the residence of the mother or the deceased to be in another county, the registrar shall mail a copy of the certificate to the local registrar of the county of residence. If no births, stillbirths or deaths occur in any month, he shall, on the first and fifteenth of each month, report that fact to the Division of Vital Statistics.

Section 6. Subsection (4) of Section 213.180 of the Kentucky Revised Statutes is amended to read as follows:

A copy of the volume or volumes containing the index list of births and deaths shall be furnished and delivered to each county health department and shall become a permanent record of the county. Any such volumes now in possession of the county court clerk may be transferred to the county health department with the approval of the county judge.

Section 7. Section 213.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Vital Statistics shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this Chapter when the division is satisfied that the applicant has a direct, tangible and legitimate interest in the information or record requested. For such a copy the applicant shall pay a fee of one dollar. Any such certified copy shall be prima facie evidence of the facts therein stated.

(2) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of

any claim against the government for compensation, insurance, back pay or other allowances of any person who has at any time served as a member of the Army, Navy, Marine Corps or Air Force of the United States.

Section 8. The Division of Vital Statistics may register delayed birth certificates for persons born in the Commonwealth prior to 1911. The facts stated in the certificate shall be supported by such evidence as is required by the regulations of the State Board of Health. Certificates shall be prepared on special forms supplied by the division. Certificates thus recorded shall be preserved and treated as all other certificates.

Section 9. This Act shall become effective July 1, 1954.

By Mr. Lowman.

H. B. No. 178. AN ACT relating to loans and scholarships for the study of medicine and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting legislation relating to loans and scholarships for the study of medicine, it is the intention of the General Assembly to alleviate the shortage of physicians engaged in public health work.

Section 2. As used in this Act, unless the context requires otherwise, "Board" means the State Board of Health.

Section 3. The board shall receive and consider all applications for loans or scholarships made by students who are bona fide residents of this Commonwealth who desire to become physicians and who are acceptable for enrollment in a medical school approved by the board. The board shall make a careful and full investigation of the ability, character and qualifications of each applicant to determine his fitness to become the recipient of such loan or scholarship. The board may examine each applicant. It may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intent of this Act. The board may grant to each applicant deemed by the board to be qualified to receive the

same, a loan or scholarship as herein provided for the purpose of acquiring a medical education upon terms and conditions imposed by the board and provided for in this Act.

Section 4. A loan or scholarship shall not exceed one thousand dollars per annum, to defray tuition and other expenses in a medical college or school approved by the board. The grant shall be based upon the condition that on or before six months from the date the applicant completes one year of internship he engage in public health work at some place within the Commonwealth approved by the board at the rate of one year for each one thousand dollars, or proportional time for lesser amounts, which shall constitute repayment of the loan or scholarship. Where the board is convinced that there is justifiable cause which the applicant could not have foreseen, the board may allow him to repay the loan or scholarship by paying in cash the full amount of the loan or scholarship plus six percent interest.

Section 5. Before being granted a loan or scholarship each applicant shall enter into a contract with the board which shall be deemed a contract with the Commonwealth of Kentucky, agreeing to the terms and conditions upon which the loan or scholarship shall be granted to him. The contract shall include such terms and provisions as will carry out the purpose and intent of this Act and shall be signed by the president of the board, countersigned by the secretary, and signed by the applicant.

Section 6. The board may cancel any contract between it and any applicant for a loan or scholarship upon any cause deemed sufficient by the board in which event the student shall repay with six percent interest the amount of the loan or scholarship. The board may sue in its own name any person who fails to fulfill his obligations under a contract for a loan or scholarship. Refusal to comply with a decision of the board relating to the method of repayment of a loan or scholarship may constitute grounds for revocation of license as provided for in KRS 311.565.

Section 7. The board may make inquiry of medical colleges and schools, and make arrangements and enter into

contracts with such institutions for the admission of students granted loans or scholarships by the board. The board may cancel any contract made with any college or school.

Section 8. Funds appropriated for the purposes of the medical scholarship program and all sums received in repayment of loans and scholarships shall be placed in the State Treasury to the credit of a trust or agency fund for carrying out this program. Loan and scholarship payments shall be made out of this fund on a requisition to the Department of Finance signed by the secretary of the board.

Section 9. There is hereby appropriated to the board out of the General Expenditure Fund in the State Treasury the sum of five thousand dollars for the fiscal year 1954-55, and the sum of ten thousand dollars for fiscal year 1955-56 for the purpose of carrying out the provisions of this Act.

By Mr. Stumbo, Mr. Caudill, Mr. Wells, Mr. Maglinger, Mr. Wiseman, and Mr. Billington.

H. B. No. 179. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall be composed of the Lieutenant Governor, who shall act as chairman, the Adjutant General, and three members appointed by the Governor. The appointed members shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that the terms of one member will be for two years, another for three years and the other for four years. All appointments to the board, including appointments of successors and appointments to fill vacancies, shall be made by the Governor, provided, however, that said appointees shall be veterans with service during time of war or hostilities wherein American

troops were engaged in conflict with an armed enemy. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

(2) The Kentucky Disabled Ex-Service Men's Board shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the state to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the board considers necessary or desirable in the accomplishment of the purposes for which the board was created.

(3) "Veterans" and "ex-service men and women," as used in this Section, include any individual who served on active duty during peace or war in the Armed Forces of the United States and who has received an honorable discharge from such service. (1946, c. 57)

By Mr. Weintraub, Mr. Dressman, Mr. Fitzpatrick, Mr. Cottengim, Mr. Wirsch, Mr. Maglinger, Mrs. Stovall, Mr. Conley, Mr. Baumgardner and Mr. Walsh.

H. B. No. 180. AN ACT relating to the compensation and bond of the chief and all other appointees and employes appointed by the county judge, and granting authority for the provision of equipment and the levy and appropriation therefor, and amending Section 70.560 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

WHEREAS, Section 70.560, being Chapter 115 of the Acts

of 1942, and as amended by Chapter 18 of the 1946 Acts, provided, among other things, for the fixing of the salaries or compensation of the chief and all other appointees and employes appointed by the county judge in the various counties, and further granted power and authority to the fiscal court to provide for bonds for said chief, appointees and employes and equipment with which the duties of the various offices could be carried out, including the levy and appropriations therefor; and

WHEREAS, the General Assembly did, by Chapter 123 of the 1950 Acts, and particularly Paragraphs Number 17, Number 18 and Number 27, which are now known as Sections 64.610, 64.620 and 64.690 of the Kentucky Revised Statutes, grant the power and authority to county boards and commissions to fix the salary and compensation of any officer or employe thereof, either with or without statutory limits, subject only to the limitations contained in KRS 64.480 to 64.760; and

WHEREAS, by virtue of the enactment and passage of said Chapter 123 by the General Assembly of 1950, that portion of Kentucky Revised Statutes, to wit: KRS 70.560, relating to the fixing of salaries and compensation for the chief and all other appointees and employes appointed by the county judge, is surplusage and no longer necessary, and its inclusion as part of KRS 70.560 has caused confusion concerning the right, power and authority of fiscal courts to fix such salary and compensation; and

WHEREAS, in order to clarify the situation and clear up the doubt and confusion, it is fit and proper that that portion of KRS 70.560 relating to the fixing of such salary and compensation be deleted and removed, such authority being now vested by KRS 64.610, 64.620 and 64.690, but that there remain on the statute books the last portion of said KRS 70.560 providing for necessary equipment and the bonding of such chief, appointees and employes and the levy and appropriation to provide funds therefor; and

WHEREAS, this Act is wholly and solely for the purpose of clarifying such situation and merely accomplishes the purpose of removing that portion of KRS 70.560 relating to the fixing of such salary and compensation, and leaves undisturbed the remaining

portion thereof relating to equipment, bonds and the authority to make a levy and appropriation to provide therefor;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 70.560 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court shall, by order, fix the amount of the salary of all appointees and may within their discretion provide for phone, wireless, radio or other means of communication within motor vehicles, stations, substations, places of detention, teletheir discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

By Mr. Routh, Mr. Morgan, Mr. Rouse, Mr. Clay and Mr. Hilton.

H. B. No. 181. AN ACT relating to the pay of election officers, and amending Section 116.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

The judges, clerk and sheriff of election shall receive seven dollars and fifty cents each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and the judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

By Mr. Wiseman and Mr. Clay.

H. B. No. 182. AN ACT relating to duties of the Kentucky Agricultural Experiment Station in regard to tobacco research, appropriating funds therefor, and amending Section 247.045 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.045 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky Agricultural Experiment Station shall carry on and extend the present program in the field of tobacco breeding, the quality characteristics, of tobacco, including nicotine content, and research and education for the control of black shank and other diseases in tobacco. For this purpose there shall be available to the Kentucky Agricultural Experiment Station such sums as may, from time to time, be appropriated by the General Assembly for the purpose.

Section 2. In order to carry out the purposes of this Act during the next biennium there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Expenditure Fund of the State Treasury, the sum of sixty thousand dollars per year for each of the fiscal years 1954-1955 and 1955-1956, without lapse in the year 1954-1955.

By Mr. Hadden, Mr. Martin, Mr. Banton, Mr. Harralson.

H. B. No. 183. AN ACT relating to public printing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 57.285 of the Kentucky Revised Statutes is amended to read as follows:

All printing for which any county, city or other political subdivision of the Commonwealth is chargeable, or which is paid for with funds appropriated wholly or in part by any

such county, city or political subdivision, must be printed within such county, city or political subdivision where practicable, and after no less than two sealed bids for such printing has been procured within such county, city or political subdivision where practicable. The contract for such printing shall be awarded to the lowest and best bidder.

By Mr. Baumgardner.

H. B. No. 184. AN ACT to amend and re-enact KRS 64.620 relating to fees of court commissioners and receivers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 64.260 is amended and re-enacted to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioner for allotting dower or settling an account, per day, not to exceed	$15.00
To a commissioner in a county containing a city of the first class for dividing land or appraising damage for rights-of-way, a reasonable sum to be fixed by the court.	
To a commissioner in a county not containing a city of the first class for dividing land or appraising damage for rights-of-way, per day, not to exceed	15.00
To a commissioner for making a deed	2.25
To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged	4.50
For selling land or personal property: Where the amount of the sales does not exceed $2,000	11.25

Where the sale amounts to more than $2,000, but does not exceed $5,000 ---------- 15.00

Where the sale amounts to more than $5,000, but does not exceed $10,000 ---------- 22.50

Where the sale exceeds $10,000 ---------- 37.50

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and $7.50 per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding $7.50 for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court:

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 2% on the excess.

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $2,000 and 1.5% on the excess.

Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 1% on the remainder, not to exceed a total of $250, for such receipts and payments.

(2) If the commissioner needs, for the proper conduct of his office, a deputy, and he and his deputy or deputies are constantly employed in the discharge of their duties, the court may allow him, for reports and other services rendered under order of court, such fees as the court prescribes.

(3) Fees and allowances to commissioners and receivers shall, in all cases, be taxed as part of the costs, and may be collected by distress as circuit clerks' fees are collected or on motion of the persons entitled to them by judgment and execution or attachment.

(4) No allowance shall be made to a commissioner or receiver until he has filed in court a written statement under oath of the number of days he has acted. In all cases evidence may be heard for and against an allowance.

By Mr. Bridgers.

H. B. No. 185. AN ACT relating to county alcoholic beverage control administrators.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 241.110 of the Kentucky Revised Statutes is hereby repealed and re-enacted and when so re-enacted shall read:

(1) The fiscal court of any county in which traffic in alcoholic beverages is not forbidden under KRS Chapter 242 may by resolution declare that regulation of the traffic in that county is necessary. The county judge shall thereupon constitute a county alcoholic beverage control administrator for the county. However, the county judge may decline to accept said office, or after accepting same he may resign therefrom, and in either event, notwithstanding the provisions of KRS 241.120 to and including KRS 241.150, he may thereupon appoint a person at least thirty years of age, who at the time of his appointment has been a citizen of the state and a resident of that county for at least two years next preceding the date of appointment, and who is able to qualify to serve at the pleasure of the county judge as county alcoholic beverage control administrator for such county. Before entering upon his duties as such county alcoholic beverage control administrator appointed by the county judge the appointee shall take the oath prescribed by Section 228 of the Constitution and execute a bond with a good corporate surety in the penal sum

of one thousand dollars. The cost of the bond shall be borne by the county. Upon the qualification of such person as county alcoholic beverage control administrator for such county, he shall immediately notify the board.

(2) The functions of such county alcoholic beverage control administrator, appointed by the county judge, shall be the same as set out in KRS 241.140.

(3) The compensation of such county alcoholic beverage control administrator, appointed by the county judge, shall be fixed by the fiscal court in accordance with KRS 64.530. The county judge may also appoint such investigators and clerks as are deemed necessary for the proper conduct of such county alcoholic beverage control administrator's office, their salaries likewise shall be fixed by the fiscal court pursuant to KRS 64.530, and they will serve at the pleasure of the county judge.

(4) No person shall be a county alcoholic beverage control administrator, as herein provided for, an investigator or an employee of the county under the supervision of such county alcoholic beverage control administrator, who would be disqualified to be a member of the board under KRS 241.100.

(5) The said county alcoholic beverage control administrator, appointed by the county judge, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be over the unincorporated areas of such county and within the corporate limits of any city therein not having its own administrator. They may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(6) Appeals from any order of such county alcoholic beverage control administrator, appointed by the county judge, shall be made pursuant to KRS 241.150.

By Mr. Maglinger.

H. B. No. 186. AN ACT relating to the condemnation of property for the transportation of material from a mine or quarry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 277.040 of the Kentucky Revised Statutes is amended to read as follows:

Any person operating a mine or a stone quarry within three (3) miles of any railroad or navigable stream may, for the purpose of transporting material between the railroad or stream and the mine or quarry, construct and operate a line of railroad, truck road, overhead conveyor, or pipeline from the mine or quarry to the most convenient and accessible point on the railroad or stream, and may, under KRS 416.010 to 416.080, condemn the land necessary for track, truck road, or supports for conveyor, or pipeline, not exceeding fifty (50) feet, in width for each track, roadway, conveyor, or pipeline necessarily constructed, and the land for necessary buildings at the railroad or stream, not exceeding two (2) acres. The owner or operator of such railroad shall be governed by the laws relating to other railroads, so far as applicable, and shall have the same rights and privileges granted to corporations owning and operating railroads.

By Mr. Dempsey.

H. B. No. 187. AN ACT relating to the renewal or extension of provisional elementary teaching certificates.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher holding a provisional elementary certificate who has taught for twenty years or longer, may have his provisional certificate renewed or extended every three years if he teaches during the three year interval between such extensions or renewals.

By Mr. Dempsey and Mr. Martin.

H. B. No. 188. AN ACT relating to the allocation of funds for rural and secondary roads, and repealing KRS 177.360 and 177.370.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Funds set aside for rural and secondary roads under the provisions of KRS 138.220 and 177.320 shall be expended in accordance with the provisions of KRS 177.320 to 177.350 in each of the counties of the Commonwealth. Expenditures in any county during any one year shall not exceed the amount collected for said purposes in said county for the preceeding fiscal year, to be determined on the basis of dealers' reports.

Section 2. KRS 177.360 and 177.370 are hereby repealed.

By Mr. Heyburn, Mr. Dempsey, Mr. Buchanan, Mr. Moorman, Mr. Winstead and Mr. Dowell.

H. B. No. 189. AN ACT to amend Section 31 of the Constitution of the Commonwealth of Kentucky, and relating to election and terms of senators and representatives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 31 of the Constitution of Kentucky be amended so as to read as follows:

(1) The Senate shall be composed of one Senator from each Senatorial District, elected by the legally qualified voters of the district. Of the nineteen Senators to be elected in the year 1955, those elected from Senatorial Districts numbered 3, 5, 9, 11, 15, 17, 21, 23, 27, 29, 33 and 35 shall hold their offices for four years, and the remaining seven elected from Senatorial Districts numbered 1, 7, 13, 19, 25, 31 and 37 shall hold their offices for six years. Of the nineteen Senators to be elected in the year 1957, those elected from Senatorial Districts numbered 2, 4, 8, 10, 14, 16, 20, 22, 26, 28, 32, 34 and 38 shall hold their offices for six years, and the remaining six elected from Senatorial Districts numbered 6, 12, 18, 24, 30 and 36 shall hold their offices for four years. Every two years thereafter there shall be elected for six years one Senator in each Senatorial District in which the term of his predecessor in office shall then expire.

(2) The House of Representatives shall be composed of one Representative from each Representative District, elected by the legally qualified voters of the District. Representatives shall hold their offices for four years, provided, however, that of the one hundred Representatives to be elected in the year 1955, those elected from the even numbered Representative Districts shall hold their offices for two years, and those elected from the odd numbered Representative Districts shall hold their offices for four years. Every two years thereafter there shall be elected for four years one Representative in each Representative District in which the term of his predecessor in office shall then expire, so that one-half of them shall be chosen biennially thereafter.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.170 and 118.430.

By Mr. Walsh.

H. B. No. 190. AN ACT relating to expenses of operating motor vehicles used by county officers and employees in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county containing a city of the first class may authorize any officer or employee of the county to use his own motor vehicle in the discharge of his official duties, and when any such officer or employee incurs any expense incident to traveling in his own motor vehicle, while on official business of the county, the amount allowed for such expense may be fixed by the fiscal court not to exceed ten cents per mile over the nearest traveled route over which he has traveled, which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.

By Mr. Murphy.

H. B. No. 191. AN ACT concerning the conditions of disqualification for unemployment insurance benefits.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.360 of the Kentucky Revised Statutes is amended to read as follows:

No worker may serve a waiting period or be paid benefits for any week of unemployment with respect to which:

(1) A strike or other bona fide labor dispute which caused him to leave or lose him employment is in active progress in the establishment in which he is or was employed, except that waiting periods may be served and benefits may be paid unless the employer notifies the Division in writing within seven days after the beginning of such alleged strike or labor dispute of the alleged existence of such strike or labor dispute.

For the purpose of this subsection a lock-out shall not be deemed to be a strike or a bona fide labor dispute and no worker shall be denied credit for a waiting period or be denied benefits by reason of a lock-out, provided that this subsection shall not apply if it is shown that:

(a) He is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; and

(b) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute; or

(2) He has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States, except as otherwise provided by an arrangement between this state and such other state or the United States. But if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment compensation, this subsection shall not apply.

By Mr. Marcum.

H. B. No. 192. AN ACT to amend an act relating to signals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Signals.

(4) All signals required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or a mechanical signal device, except that the operator of a motor vehicle used for the transportation or persons for hire with taxicabs excluded, the operator of a school bus, and the operator of any vehicle so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle must indicate an intention to turn by use of a signal lamp or lamps or mechanical signal device and must indicate an intention to stop or suddenly decrease speed by illuminating at least one red or yellow light with the word "Stop" on it on the rear of the vehicle.

By Mr. Wells.

H. B. No. 193. AN ACT relating to members of local boards of education. .

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 160.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four years; and

(b) Unless he has been a citizen of Kentucky for at least three years preceding his election and is a voter of the district for which he is elected; and

(c) Unless he has completed the twelfth grade in a standard accredited school as shown by the records of the school in which the twelfth grade was completed or by affidavits of the school authorities under whom the work was completed.

Section 2. Section 160.280 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any member exceed two hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

Section 3. Nothing in Section 1 or 2 of this Act shall be construed to affect members of boards of education elected prior to 1954.

By Mr. Fitzpatrick.

H. B. No. 194. AN ACT relating to the awarding of certificates of Merit to Kentucky War Veterans who have been decorated or cited while serving the United States in any war, and awarding of Certificates of Military Service to all Kentucky war veterans who have served in any war or campaign that a service medal has been provided for by the United States Government for such military service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Military Affairs shall issue a Certificate of Military Service bearing the seal of the Commonwealth to all Kentuckians who have served in any war or campaign for which a Service Medal has been provided by the United States Government for such military service.

Section 2. The Governor, in the name of the General Assembly of the Commonwealth of Kentucky, shall present a Certificate of Merit to any citizen of the Commonwealth of Kentucky who while serving in the United States Army, Navy, Marine Corps, Coast Guard or Army Nurse Corps, in any war or campaign in which the United States has been engaged, has received a citation published in an order issued from a headquarters of a brigade or higher military unit, or equivalent naval unit, or has received the Purple Heart Medal.

Section 3. No certificate shall be awarded and presented under the provisions of this Act, to any person who received other than an honorable discharge from service or whose service subsequent to receipt of any citation named in this Act shall not have been honorable.

By Mr. McClanahan.

H. B. No. 195. AN ACT relating to educational benefits for the children of certain deceased veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person whose father or mother was killed while serving in the armed forces of the United States during wars declared by Congress or actions of the United Nations or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state higher educational institution. One of the parents must have been born in Kentucky or have been a resident of Kentucky prior to such service. The child must have resided in Kentucky for five years next preceding his application for admission. The parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. Service and the cause of death of the parent must be evidenced by certification of the Veterans Administration, its successor, or the Department of Defense of the United States. In the event one so admitted shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in

the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

By Mr. Anderson.

H. B. No. 196. AN ACT amending section 189.390 of the Kentucky Revised Statutes relating to speed and parking of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(2) Where no condition exists that requires lower speed for compliance with subsection (1) of this Section, the speed of any vehicle not in excess of the limits specified in this Section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this Section or established as hereinafter authorized shall be unlawful.

(a) For all vehicles other than motor trucks, semi-trailer trucks, or motor vehicles of five horsepower or less, thirty-five miles per hour in any business or residential district, sixty miles per hour in other locations during the daytime and fifty miles per hour in other locations during the nighttime;

(b) For motor trucks and semi-trailer trucks, thirty-five miles per hour in any business or residential district, fifty miles per hour in other locations during the daytime, and forty miles per hour in other locations during the nighttime;

(c) For motor vehicles of five horsepower or less, thirty-five miles per hour in any location.

(3) Whenever the Commissioner of Highways shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than

is reasonable or safe under the conditions found to exist at any intersection or upon any part of a state highway within or without the corporate limits of a municipality, said Commissioner of Highways may determine and establish by official order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or part of the state highway. In no event, however, shall said commissioner increase any speed limit established by subsection (2) of this Section by more than ten miles per hour, nor shall such ten miles per hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(4) (a) Whenever municipal authorities or the county court of any county determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this Section is greater or less than is reasonable or safe under the conditions found to exist within the municipality or unincorporated areas of the county, such municipal authority or county court, subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reasonable and safe speed limit which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are appropriately erected. In no event, however, shall said municipal authority or county court increase any speed limit established by subsection (2) of this Section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(b) Alteration of speed limits on state highways within a municipality by municipal authorities or within the unincorporated areas of counties by county courts shall not be effective until such alteration has been approved by the Commissioner of Highways. In no event shall said Commissioner approve any alteration which would increase any speed limit established by subsection (2) of this Section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(c) Whenever the county clerk of any county determines

upon the basis of an engineering and traffic investigation and study that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one motor vehicle is permitted to park in such district so as to reduce such congestion, then the county court may by order establish "no parking" areas on and along said highway, or limit the length of time any motor vehicle may be parked in any business district, which order or orders shall be effective at all times and during hours of daytime or nighttime and at such other times as may be determined when appropriate signs giving notice thereof are erected at such locations.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(6) The speed limitations set forth in this Section shall not apply to an authorized emergency vehicle when responding to an emergency call, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting red lights visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(7) In every charge for a violation of any speed limit specified in this Section or established as herein authorized, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(8) As used in this Section, the following words and phrases shall have the meanings respectively ascribed to them:

(a) Business district—The territory contiguous to and in-

cluding a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(b) Residential district—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(c) State highway—A highway or street maintained by the Department of Highways.

(d) Nighttime—The period from one-half hour after sunset until one-half hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; daytime means at any other period.

(9) The signs and notices which the county judge is authorized hereby to have erected shall be paid for by the fiscal court out of the county levy.

By Mrs. Stovall.

H. B. No. 197. AN ACT relating to credit unions, and amending sections 290.010, 290.080, 290.120, 290.130, 290.200, 290.220 and 290.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 290.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context otherwise requires:

(1) "Corporation" means a credit union organized as provided in this Chapter;

(2) "Director of Banking" means the Commissioner of Banking, and

(3) "Temporary Loan" means any loan by a credit union which when made is payable not later than the next regular payday or, the next regular deduction pay period of the borrower.

Section 2. Section 290.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The membership of the corporation shall consist of the incorporators, and such persons, societies, associations, partnerships, and corporations, as have been duly elected to membership, and have subscribed for one or more shares and have paid for the shares in whole or in part, together with the entrance fee as provided in the bylaws and have complied with such other requirements as the articles of incorporation and the bylaws specify.

(2) Membership in each corporation shall be limited to those persons, societies, associations, partnerships, and corporations, and the members of the immediate family living in the same household of such persons, societies, associations, partnerships, and corporations, which, independent of their membership in the credit union, have a mutual affiliation by either:

(a) Duly enrolled membership in a religious, social or educational group or association;

(b) Identity of profession, occupation, trade or business, so long as members of such profession, occupation, trade or business are bona fide members of a common bona fide profession, occupation, trade or business group;

(c) Identity of their employer, including subsidiary and affiliated companies; or

(d) Location for common residential or occupational purposes, within an area, to be defined in the bylaws, containing, at the time the credit union is organized, not more than two thousand persons, societies, associations, partnerships, or corporations eligible to become members of such credit union.

(3) The officers, directors and members of committees of credit unions organized in this state, and of Federal credit unions operating in Kentucky, may form a credit union in which they, and credit unions so operating, may have membership.

Section 3. Section 290.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the annual meeting the members shall elect a board of directors as prescribed by the bylaws which shall consist of not less than five nor more than fifteen members, a credit committee and a supervisory committee of not less than three members each. A director shall not serve on any committee mentioned in this Section. No member shall serve on more than one of these committees at the same time.

(2) Each director, officer and member of a committee shall take an oath that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the credit union, and that he is the owner in good faith and in his own right on the books of the corporation of at least one share therein. Such oath shall be subscribed by the individual taking it and certified by the officer before whom it was taken and shall immediately be transmitted to the director of banking and be filed and preserved in his office.

Section 4. Section 290.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the first meeting of the board of directors and at the first meeting of the board following the annual membership meeting in each fiscal year, the board shall elect from their number a president, vice president, secretary and treasurer. The offices of secretary and treasurer may, if the bylaws so provide, be held by one person. The board of directors shall have the general management of the affairs, funds and records of the corporation and shall meet as often as necessary.

(2) Unless the bylaws reserve all or any of the following duties to the members, the directors shall:

(a) Act upon all applications for membership and the expulsion of members;

(b) Determine the rate of interest, consistent with the provisions of this Chapter, which shall be allowed on deposits and charged on loans;

(c) Fix the maximum number of shares which may be held by and the maximum amount which may be loaned to any one member, declare dividends and recommend amendments to the bylaws;

(d) Fill vacancies in the board of directors and in the credit committee until the election and qualification of successors;

(e) Have charge of the investment of funds other than loans to members;

(f) Employ persons necessary to carry on the business of the credit union;

(g) Perform such other duties as the members authorize from time to time;

(h) Appoint such special committees as the board deems appropriate.

(3) Each director, officer, member or employe having custody of funds shall be bonded. The type and amount of each bond shall be fixed by the board of directors, subject to the following:

(a) If the assets of the credit union amount to less than $50,000 the bond shall be a blanket type bond or a position type faithful performance bond in an amount not less than twenty percent of the total assets;

(b) If the assets of the credit union amount to $50,000 or more, the bond shall be a blanket type faithful performance bond of a minimum amount determined as follows:

Assets	Amount of Bond
$50,000 to $200,000	20% of total assets
$200,000 to $400,000	20% of first $200,000 15% of amount over $200,000
$400,000 to $600,000	20% of first $200,000 15% of second $200,000 5% of amount over $400,000
$600,000 and over	20% of first $200,000 15% of second $200,000 5% of third $200,000 2½% of amount over $600,000

(4) Except as provided herein, no officer, director or member of the credit committee or supervisory committee shall receive any compensation, directly or indirectly, for services he performs in such capacity. The board of directors may fix reasonable compensation for the treasurer, assistant treasurer, and office personnel.

Section 5. Section 290.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) A credit union may lend its funds to its members at rates of interest not exceeding one percent per month on the unpaid balance of the loan, which amount shall be in lieu of all other charges incident to the making of the loan, except fines for delinquent payments, and in case of secured loans, premiums incurred in the carrying of insurance against the loan, mortgage recording fees, title examination fees, and such other reasonable charges as are necessarily incident to the effective protection of the loan by the security offered.

(2) In the case of a temporary loan, a credit union may charge a fee of twenty-five cents when a loan is in an amount of twenty-five dollars or less, and a fee of fifty cents when the loan is in an amount more than twenty-five dollars.

Section 6. Section 290.220 of the Kentucky Revised Statutes is amended to read as follows:

In addition to the manner provided in KRS 386.030, the capital, deposits, undivided profits, reserve fund and other assets of a credit union, to the extent such resources are not utilized for loans to members as provided in this Chapter, may be invested in the following ways:

(1) They may be deposited to the credit of the corporation in state credit unions; state or national banks doing commercial banking; Federal credit unions operating in Kentucky; and in savings and loan associations.

(2) Not more than ten percent of the capital stock and reserve funds of a credit union may be invested in the stock of other credit unions, including Federal credit unions operating in Kentucky.

(3) They may be invested in:

(a) Bonds and other interest-bearing obligations of the Federal government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act; as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations.

Section 7. Section 290.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) A credit union may make loans, including temporary loans, to its members for provident and productive purposes, and upon such security and terms as the bylaws provide. Additional security must be taken for that part of any loan which is in excess of the total of (a) the amount of shares pledged by the member, and (b) three hundred dollars. Endorsement of a note or assignment of shares shall be deemed security within the meaning of this Section, but such security shall not be qualified until after approval by the credit committee.

(2) A member who needs funds with which to purchase necessary supplies for current crops may receive a loan payable in periodic payments rather than fixed monthly installments.

(3) No officer, member of the board of directors, or member of the credit or supervisory committee shall borrow more than the amount of his investment in the credit union, as represented by fully paid shares, accumulated dividends and deposits, unless so authorized by the members of the credit union at an annual meeting, or at a special meeting called for such purpose, except that any director, or member of a credit committee or a supervisory committee may borrow not more than

three hundred dollars from the credit union without security. If an application for a loan is made by a member of the credit committee, then the supervisory committee shall appoint a substitute to act in the place of the prospective borrower in the consideration of such loan. No director, officer, or member of the credit or supervisory committee shall become an endorser for a borrower, unless so authorized by the members of the credit union at an annual meeting, or at a special meeting called for that purpose.

(4) A borrower may repay the whole or any part of his loan on any day that the office of the credit union is open for business.

(5) No officer or member of a committee shall knowingly permit or participate in making a loan of the funds of a credit union to a non-member, the credit union may recover such illegal loan from the borrower, or from any officer or any member of a committee who knowingly committed or participated in the making thereof, or from all of them jointly.

By Mr. Bridgers.

H. B. No. 198. AN ACT relating to the education of physically and mentally handicapped children, and the salary schedules applicable to the teachers of such children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In any class established for the teaching of physically or mentally handicapped children, there shall be not more than sixteen physically or mentally handicapped children in such class.

Section 2. No child without physical or mental handicaps, but who is a discipline problem child, shall be placed in any class composed of mentally retarded children or slow-learning children.

Section 3. (1) In those school systems where salary schedules are in effect and in those systems which adopt salary schedules in the future there shall be no differentials in the salary

schedules applying to teachers of any special classes established for the education of physically or mentally handicapped children.

(2) Any teacher of special classes for physically or mentally handicapped children who has taught such classes for ten years shall be entitled to the maximum salary provided in any schedule.

By Mr. Day.

H. Res. No. 31. A JOINT RESOLUTION requesting the U. S. Congress to study the matter of state road taxation of trucks used in interstate commerce with particular reference to the amount of such taxes put back into state and federal roads within the Commonwealth, the feasibility of the Federal Government taking over this taxing function, and directing transmittal of this resolution to Kentucky's U. S. Senators and Congressmen.

Said resolution is as follows, viz:

WHEREAS, the cost of highway maintenance is such that highways are not now being properly maintained; and

WHEREAS, it is desirable that a uniform and just tax be placed on trucks operating in interstate commerce, so that a fair share of the cost of highway maintenance will be borne by said trucks; and

WHEREAS, state control of this form of taxing has resulted in unutterable confusion and serious inequities among the states; and

WHEREAS, Federal taxing control of trucks operating in interstate commerce would alleviate the situation now existing;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The U. S. Congress is hereby requested and petitioned to study the matter of road taxation of trucks operating in interstate commerce, the amount of tax money apportioned to state and federal roads, and the feasibility of the Federal Government taking over such taxing functions.

Section 2. The Clerk of the House of Representatives is

hereby directed to transmit copies of this resolution to every U. S. Senator and Congressman from the Commonwealth of Kentucky.

COMMITTEE REPORTS

Mr. Ockerman, Chairman of the Committee on Revenue and Taxation, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 30. AN ACT relating to the imposition of state occupational license taxes, and amending Section 137.050 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Ockerman, Chairman of the Committee on Revenue and Taxation, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 63. AN ACT relating to tax bill forms, notices to taxpayers, and amending subsection (2) of Section 133.220 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Ockerman, Chairman of the Committee on Revenue and Taxation, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 134. AN ACT relating to property taxation.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walsh, Chairman of the Committee on Railroads, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Harris, Chairman of the Committee on Appropriations, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 138. AN ACT relating to support of forage, pasture and grassland farming in Kentucky, and to appropriate money therefor.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 59. AN ACT relating to the examination of witnesses in civil actions.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported unfavorably a bill of the following title, viz:

H. B. No. 137. AN ACT relating to the admission of persons to practice law.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar House Bills and Senate Bills of the following titles, viz:

H. B. No. 73. AN ACT relating to tax on use of gasoline.

H. B. No. 70. AN ACT relating to the Department of Military Affairs and the Active Militia of Kentucky.

H. B. No. 72. AN ACT relating to the establishment of a Kentucky Council on Regional Education, and declaring an emergency.

H. B. No. 74. AN ACT relating to the National Guard of Kentucky.

H. B. No. 75. AN ACT relating to military law.

H. B. No. 77. AN ACT relating to the expenses of election, and amending Section 118.450 of the Kentucky Revised Statutes.

H. B. No. 78. AN ACT relating to voting machines; authorizing the State Property and Buildings Commission to provide voting machines for any and all of the counties of the Commonwealth at the expense of said counties; authorizing payment therefor by said counties through issuance of Revenue Bonds by the State Property and Buildings Commission; and declaring an emergency.

H. B. No. 100. AN ACT relating to alcoholic beverages amending Subsection (8) of Section 241.060 and Section 243.730 of the Kentucky Revised Statutes.

H. B. No. 84. AN ACT relating to Mechanics' and Materialmen's Liens.

H. B. No. 85. AN ACT relating to statutory liens; and, amending section 376.200 of the Kentucky Revised Statutes.

H. B. No. 88. AN ACT relating to the organization and powers of water districts, and declaring an emergency.

S. B. No. 17. AN ACT relating to the sales of realty of infants and persons of unsound mind.

S. B. No. 22. AN ACT changing the classification of the City of Fort Wright, in Kenton County.

H. B. No. 87. AN ACT relating to deputy constables and declaring an emergency.

H. B. No. 61. AN ACT relating to compensation for court reporters in circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of

continuous session in counties containing a city of the second class.

H. B. No. 86. AN ACT relating to meetings of board of commissioners in cities of the second, third and fourth classes having city manager form of government, and amending Section 89.550 of the Kentucky Revised Statutes.

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

H. B. No. 103. AN ACT relating to general indexing of real property records in counties containing second-class city, and amending subsection (3) of Section 382.220 of the Kentucky Revised Statutes.

Mr. Edmonds moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 71. AN ACT relating to the hearing of criminal and penal cases, and amending Section 23.160 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.160 of the Kentucky Revised Statutes is amended to read as follows:

In counties having but three terms of court each year, criminal and penal cases shall be heard at each of the terms, unless the court, by order of record, shall provide otherwise. In counties having more than three terms of court each year, criminal and

penal cases may be heard at such of the terms of court required by the provisions of this chapter to be held each year in each county, as the court shall determine necessary and proper and shall designate by order of record.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	James A. Dressman, Jr.
Walter J. Bailey	Charles W. Buchanan	O. O. Duncan
John Rhea Banton	Harry M. Caudill	Harold Edmonds
Clarence J. Barnum	Cassius M. Clay	Addison L. Everett
Wallace Bartley	Paul Cobb	Herbert Fern
Charles E. Baumgardner, Sr.	William J. Conley	Thomas P. Fitzpatrick
Owen Billington	R. Josh Cosby	Cabell D. Francis
Leo A. Bleemel	Vernor O. Cottengim	W. L. Hadden
J. Murray Blue	Charles W. Craig	George F. Harris
J. C. Bradley	W. Marvin Davis	Harold G. Helm
Edward T. Breathitt, Jr.	John L. Day	David Heskamp
	Albert Dempsey	Henry R. Heyburn
	C. E. Dowell	

Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed and be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 32. AN ACT relating to compensation of members of the General Assembly and the Lieutenant Governor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each member of the General Assembly and the

Lieutenant-Governor of the Commonwealth shall be paid each month, the sum of one-hundred dollars. The sum so received by each member of the General Assembly and the Lieutenant-Governor shall be applied in payment or reimbursement of official expenses in a manner determined by the members of the General Assembly and the Lieutenant-Governor.

Section 2. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each member of the General Assembly and Lieutenant-Governor, for the sums prescribed in Section 1 of this Act. These sums shall be paid from the general fund.

Section 3. The sums provided for in Sections 1 and 2 of this Act shall not be paid when members of the General Assembly and the Lieutenant-Governor are in official session.

Section 4. Whereas, present economic conditions are such as to impose an unconscionable burden upon the General Assembly and the Lieutenant-Governor of the Commonwealth, and to create a threat to the expeditious administration by the members of the General Assembly and the Lieutenant-Governor of duties to their constituents, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

With Committee substitute attached thereto as follows, viz:

WHEREAS, at the present time the members of the General Assembly and the Lieutenant-Governor receive no recompense for expenses incurred by them while in Frankfort, Kentucky attending to the official duties of their offices while the General Assembly is in Session, except the sum of fifty dollars for stationery expense and mileage only one way to and from their respective places of residence; and

WHEREAS, it is common knowledge that the duties of the office as member of the General Assembly and Lieutenant-Governor require the incurring of extraordinary expenses during the Session of the General Assembly, including the maintenance of an additional place of abode; and

WHEREAS, it is unconscionable and unreasonable to re-

quire the members of the General Assembly and the Lieutenant-Governor to assume this added burden and expense, and that it is only fit and proper that said members and the Lieutenant-Governor be re-imbursed for said expense which is incurred as the result of their official duties requiring their presence in Frankfort, Kentucky;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in addition to any and all sums, compensation, or expenses now paid the member of the General Assembly and the Lieutenant-Governor, they, and each of them, shall be paid and receive the sum of fifteen dollars for each of the legislative days which the General Assembly may be in Regular or Extraordinary Session, which sum shall be in full recompense of any additional expenses incurred in excess of that now received by them.

Section 2. The Commissioner of Finance shall, on the first and fifteenth day of each month, during the time the General Assembly is in Regular or Extraordinary Session, draw his warrant on the Treasurer in favor of each member of the General Assembly and the Lieutenant-Governor of the sums set forth in Section 1 of this Act. These sums shall be paid from the general fund.

Section 3. Whereas, the failure to pay such expense to members of the General Assembly and the Lieutenant-Governor impose an unconscionable burden upon such persons, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor, and shall be retroactive to include any and all days of the 1954 Regular Session of the General Assembly which may have elapsed up to the date of the passage and approval hereof.

Mr. Weintraub moved that the committee substitute be adopted in lieu of House Bill No. 32.

Said motion was agreed to.

Said committee substitute was adopted.

Mr. Morgan offered the following amendment and moved its adoption.

Amendment No. 1.—On page 2, section 1, line 4, that the words "The Sum of Ten Dollars" be substituted for the words "The Sum of Fifteen Dollars".

Said motion was agreed to.

Said amendment adopted.

Mr. Clay offered the following amendment and moved its adoption.

Amendment No. 2—On pages 2 and 3, section 3, Strike Section 3 from the bill.

Said motion was disagreed to.

And so the amendment was rejected.

Mr. Maglinger moved the Previous Question.

Whereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Maglinger moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
Walter J. Bailey	Clarence J. Barnum	Leo A. Bleemel
	Wallace Bartley	

J. C. Bradley
Edward O. Bridgers
Charles W. Buchanan
William J. Conley
Vernor O. Cottengim
Charles W. Craig
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
George F. Harris
David Heskamp
Lon C. Hill
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Owen Billington
J. Murray Blue
Edward T. Breathitt, Jr.
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
C. E. Dowell
O. O. Duncan
W. L. Hadden
Harold G. Helm
Henry R. Heyburn
Estill R. Hilton
Varna Holt
Shelby McCallum
George R. Martin
Robert K. Montgomery
Hobart Rayburn
Lloyd E. Rogers
LeRoy Saylor
Eulick Walsh
W. W. Webster
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Maglinger moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 98. AN ACT relating to annexation by a third class city located in two or more counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever a city of the third class located in two or more counties desires to annex any unincorporated territory, the city legislative body shall pass an ordinance accurately defining the boundary of the territory proposed to be annexed, declaring it to be desirable to annex the territory, and providing that the question of whether or not the territory shall be annexed shall be submitted to the qualified voters residing therein at the next regular election in which all of such voters may vote, if the next regular election is not held within sixty days after passage of the ordinance.

Section 2. The mayor of the city shall deliver a certified copy of the ordinance to the county clerk of the county in which the territory proposed to be annexed is located, or if such territory is located in more than one county, to the county clerks of such counties, who shall have printed on the ballots provided for use in each precinct embraced in whole or in part within the territory proposed to be annexed the question: "Are you in favor of being annexed to the City of ————————"? Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate the preference. If only a part of any precinct is embraced within the territory proposed to be annexed the clerk of the election shall mark an "X" with the black ink stencil in the squares opposite both the words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not within the territory proposed to be annexed, before he delivers the ballots to those voters. The clerk or clerks shall cause the sheriff or sheriffs to deliver to the election officers in each precinct in the appropriate counties copies of the ordinance proposing to annex.

Section 3. If one-half or more of those voting on the proposition vote in favor of annexation, the city shall pass an ordinance declaring the territory annexed, and such territory shall then become a part of the city.

Section 4. If less than one-half of those voting on the proposition vote in favor of annexation, the ordinance proposing annexation shall become ineffectual for any purpose.

Mr. Buchanan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harry M. Caudill	W. L. Hadden
Walter J. Bailey	Cassius M. Clay	George F. Harris
John Rhea Banton	Paul Cobb	Harold G. Helm
Clarence J. Barnum	William J. Conley	David Heskamp
Wallace Bartley	R. Josh Cosby	Henry R. Heyburn
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	Lon C. Hill
Owen Billington	Charles W. Craig	Chester J. Holsclaw
Leo A. Bleemel	John L. Day	Varna Holt
J. Murray Blue	Albert Dempsey	William M. Horn
J. C. Bradley	James A. Dressman, Jr.	William L. Jones
Edward T. Breathitt, Jr.	O. O. Duncan	Jennings H. Kearby
Edward O. Bridgers	Harold Edmonds	Talmage Lacy
Charles W. Buchanan	Herbert Fern	James W. Lambert
	Thomas P. Fitzpatrick	Harry King Lowman
	Cabell D. Francis	Shelby McCallum
		Ralph E. McClanahan

Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Buchanan moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 115. AN ACT relating to the closing time of circuit court clerk's offices and amending section 61.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.160 of the Kentucky Revised Statutes is amended to read as follows:

Public offices in counties containing a city of the first, second or third class may close at 1 p.m. every Saturday. The office of

circuit court clerk in any county may close at twelve o'clock noon every Saturday.

Mr. Young offered the following amendment and moved its adoption:

Amendment No. 1—On page 1, section 1, line 4, By striking the words and figures "1 P M" and substituting the word "noon".

Said motion was agreed to.

Said amendment was adopted.

Mr. Young offered the following amendment, viz:

Amendment No. 2.—On page 1, section 1, line 4, After the close of the sentence ending "Saturday", insert the sentence: "Such offices in other counties may close at noon any one day of the week except Saturday."

Mr. Lowman moved that H. B. No. 115 be placed on the Clerk's desk.

Said motion was agreed to.

Mr. Morgan moved that when the House does adjourn today, that it adjourn to meet again at 10:00 A. M. Thursday, February 4, 1954.

Said motion was agreed to.

Mr. Morgan moved to reconsider the vote by which the motion was adopted to adjourn until 10:00 A. M. Thursday.

Said motion was rejected by voice vote.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title viz:

S. B. No. 45. AN ACT relating to strip mining and conservation and reclamation of natural resources affected thereby.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be

correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the House return said bill to the Senate.

Mr. Lowman moved that the House adjourn until 10:00 A. M. Thursday, February 4, 1954.

Said motion was agreed to.

And the House did then adjourn.

THURSDAY, FEBRUARY 4, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend F. S. Anderson, member of the House of Representatives from Jefferson County, Louisville, Kentucky.

The roll was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Cassius M. Clay	W. L. Hadden
Walter J. Bailey	Paul Cobb	C. Ruby Harralson
John Rhea Banton	William J. Conley	George F. Harris
Clarence J. Barnum	R. Josh Cosby	Harold G. Helm
Wallace Bartley	Vernor O. Cottengim	David Heskamp
Charles E. Baumgardner, Sr.	Charles W. Craig	Henry R. Heyburn
Owen Billington	John L. Day	Lon C. Hill
Leo A. Bleemel	Albert Dempsey	Estill R. Hilton
J. Murray Blue	C. E. Dowell	Chester J. Holsclaw
J. C. Bradley	James A. Dressman, Jr.	Varna Holt
Edward T. Breathitt, Jr.	O. O. Duncan	William M. Horn
John Young Brown	Harold Edmonds	William L. Jones
Charles W. Buchanan	Addison L. Everett	Jennings H. Kearby
Harry M. Caudill	Herbert Fern	Talmage Lacy
	Thomas P. Fitzpatrick	James W. Lambert
	Cabell D. Francis	George H. Lovelace
		Harry King Lowman
		Shelby McCallum

Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Maglinger moved that the vote by which the clincher was adopted to House Bill No. 32 be reconsidered.

Said motion was agreed to by voice vote.

Mr. Morgan offered the following amendment to House Bill No. 32, and moved its adoption, viz:

Amendment No. 1—Title. Amend title of House Bill 32 to read as follows:

"AN ACT relating to the payment of expenses of members of the General Assembly and the Lieutenant-Governor."

Said motion was agreed to.

Said amendment was adopted.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Kearby moved that leave of absence for the day be granted for all absent members.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body of the following titles, viz:

S. B. No. 68. AN ACT changing the classification of the City of St. Matthews, in Jefferson County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of St. Matthews, in Jefferson County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of St. Matthews in Jefferson County, is transferred from the sixth to the fourth class of cities.

S. B. No. 79. AN ACT concerning service of process on non-resident motorists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 188.020 of the Kentucky Revised Statutes is amended to read as follows:

Any nonresident operator or owner of any motor vehicle who accepts the privilege extended by the laws of this state to nonresidents to operate motor vehicles or have them operated within state shall, by such acceptance and by the operation of such motor vehicle within this state, make the Secretary of State the agent of himself or his personal representative for the service of process in any civil action instituted in the courts of this

state against the operator or owner, or the personal representative of the operator or owner, arising out of or by reason of any accident or collision or damage occurring within this state in which the motor vehicle is involved.

Section 2. The provisions of KRS 188.010 to 188.060 shall apply to any operator or owner of any motor vehicle who is a resident of this state at the time any accident or collision or damage occurs and who thereafter becomes a nonresident.

Ordered that said bills be printed and referred.

And a resolution originating in the House, and adopted in the Senate by way of Committee Substitute, as follows, viz:

H. Res. No. 12. A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider burley tobacco acreage reduction in the Commonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

Said resolution is as follows, viz:

WHEREAS, severe drouth has drastically curtailed burley tobacco production in the Commonwealth; and

WHEREAS, public consumption of products in which burley tobacco is used increases daily; and

WHEREAS, a reduction in burley tobacco acreage would create a deplorable shortage of this product on the market; and

WHEREAS, the burley tobacco acreage allotted in the Commonwealth at present is not excessive; and

WHEREAS, the economy of the Commonwealth depends heavily upon burley tobacco production; and

WHEREAS, farm prices have recently declined with alarming rapidity;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky, respectfully urges and solicits the U. S.

Secretary of Agriculture to reconsider and remand any order reducing burley tobacco acreage in the Commonwealth of Kentucky.

Section 2. The Clerk of the House of Representatives is hereby directed to forward a copy of this Resolution to the U. S. Secretary of Agriculture.

Committee Substitute adopted by the Senate for House Resolution No. 12, is as follows, viz:

Committee Substitute H. Res. No. 12. A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider burley and dark tobacco acreage reduction in the Commonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

Said Committee Substitute is a follows, viz:

A JOINT RESOLUTION asking the U. S. Secretary of Agriculture to reconsider burley and dark tobacco acreage reduction in the Commonwealth and directing transmittal of a copy of this resolution to the U. S. Secretary of Agriculture.

WHEREAS, severe drouth has drastically curtailed burley and dark tobacco production in the Commonwealth; and

WHEREAS, public consumption of products in which burley and dark tobacco is used increases daily; and

WHEREAS, a reduction in burley and dark tobacco acreage would create a deplorable shortage of this product on the market; and

WHEREAS, the burley and dark tobacco acreage allotted in the Commonwealth at present is not excessive; and

WHEREAS, the economy of the Commonwealth depends heavily upon burley and dark tobacco production; and

WHEREAS, farm prices have recently declined with alarming rapidity;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky, respectfully urges and solicits the U. S. Secretary of Agriculture to reconsider and remand any order reducing burley and dark tobacco acreage in the Commonwealth of Kentucky.

Section 2. The Clerk of the House of Representatives is hereby directed to forward a copy of this Resolution to the U. S. Secretary of Agriculture.

Ordered that this resolution and committee substitute be delivered to the Clerk of the House, awaiting further action by the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Rayburn, Mr. Jones, Mr. Moorman and Mrs. Wilson.

H. Res. No. 32. A CONCURRENT RESOLUTION requesting and petitioning the United States Department of Agriculture to provide free seeds for the restoration of pastures and meadows in Kentucky destroyed by the drought of 1953.

Said resolution is as follows, viz:

WHEREAS, the severe drought of 1953 caused such damage to and destruction of the pastures and meadows of Kentucky as to constitute the entire state a disaster area; and

WHEREAS, the agricultural productiveness of Kentucky is of great importance to the economic welfare of the nation, and it is to the interest of the nation that such productiveness be promptly restored and the disaster conditions alleviated; NOW THEREFORE

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring Therein:

That the Department of Agriculture of the United States

be and it hereby is requested and petitioned to provide free seeds to the farmers of Kentucky for the restoration of pastures and meadows damaged or destroyed by the drought of 1953.

That the Clerk of the House of Representatives shall forthwith forward a copy of this Resolution to the Secretary of Agriculture of the United States.

By Mr. Wathen.

H. B. No. 199. AN ACT relating to sheriffs' revenue bonds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 134.230 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff shall, before he qualifies and before he assumes the duties of the office for the first time, enter into bond with surety for the faithful performance of his duties as revenue collector. This bond shall cover liability to account, as provided by law, for all charges of taxes made against him, and for all money received by him as revenue collector from the date he assumes the duties of the office to and including May 31 of the same year. He shall enter into bond with surety thereafter before or as of June 1 of each succeeding year of the term of his office, except that the expiration date of the bond for the last year in the term shall be to and including March 15. The county judge shall hold court at any time the sheriff may request for the purpose of executing bond.

By Mr. Wathen and Mr. Lowman.

H. B. No. 200. AN ACT relating to occupational license taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 137.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 until he has paid to the county clerk of the county in which he is engaged in such occupation or in selling such articles or in exercising such privilege the license tax prescribed in KRS 137.050 to 137.110 and obtained the license therefor.

(2) Nothing in this section shall be construed as placing a license tax upon an itinerant operator who has first paid the license tax and obtained a license from the clerk of the county in which he was first engaged in such occupation or in selling such articles or in exercising such privilege.

(3) This section and KRS 137.050 shall not be construed to impose a tax on any county, or community fair association or corporation or similar enterprise or upon the agent or concessionaire of any such association or corporation operating within the grounds or rooms devoted to a festival or fair of any such association or corporation which shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period of not exceeding one week in any calendar year without profit to the members or stockholders or to any other person connected with such association or corporation. This exemption shall not be construed to permit such association, corporation or similar enterprise to possess cigarettes in packages, boxes or retail containers upon which the tax provided in KRS 138.140 has not been paid.

Section 2. Subsection (4) of Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

(4) For each theater, a license fee of twenty cents per seat per annum is imposed, the minimum charge to be ten dollars per annum. In case of open air or drive-in theaters, each parking space for a vehicle from which the performance may be viewed, shall be construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneduca-

tional or noncharitable organizations or persons use such buildings. It shall not apply to any building or open air theater with a seating capacity of not more than one hundred twenty-five (125) persons when such building or theater is used temporarily by an itinerant person or organization for the purpose of showing motion pictures or slides by means of a portable projector, provided such itinerant person or organization has paid to the clerk of the county in which he or they have first exhibited such motion pictures or slides by means of a portable projector, a license fee to cover a building or an open air theater with a seating capacity of one hundred twenty-five (125) persons.

Section 3. Section 137.060 of the Kentucky Revised Statutes is amended to read as follows:

Any person who engages in any of the businesses or exercises any of the privileges mentioned in subsections (1), (2), (3) and (6) of KRS 137.050 from a wagon, push cart, motor vehicle or other similar contrivance in which the articles named in those subsections are transported from place to place and sold therefrom shall procure a license from the county clerk in the first county where the business is to be conducted or the privilege exercised for each vehicle or contrivance so used. Notwithstanding the provisions of KRS 137.090 and 137.100, the license shall give an apt description of the vehicle or contrivance from which the business is to be conducted or the privilege exercised. Whenever any person to whom a license referred to in subsections (1), (2), (3) and (6) of KRS 137.050 has been granted and who has paid the required license tax thereon shall change the vehicle, or contrivance for which the license was originally granted, the county clerk may amend the license in accordance with regulations of the Department of Revenue to permit the continued operation of the business. For this amendment, the county clerk shall receive a fee of twenty-five cents from the licensee.

By Mr. Wathen and Mr. Lowman.

H. B. No. 201. AN ACT relating to excise taxation of amusement admissions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(a) Nothing in this Section shall be construed to impose a tax upon admissions to athletic contests, plays, concerts or other forms of amusements or entertainment presented by nonprofit civic, fraternal, charitable, musical, social or educational clubs or associations if no professional performers are employed and all profits are used exclusively for civic, charitable, religious or educational purposes within this state. But no nonprofit association, corporation, organization or individual shall be entitled to the exemption granted in this Section if any officer, employee, entertainer, member or shareholder shall receive or be entitled to receive, directly or indirectly, any pecuniary profit except reasonable compensation for necessary services actually rendered in the ordinary conduct of business.

(b) If any professional entertainers or performers are employed, all amounts paid for admission are subject to tax unless at least seventy-five per cent of the gross proceeds of admissions are used for charitable, religious or educational purposes within this state.

By Mr. Wathen and Mr. Lowman.

H. B. No. 202. AN ACT related to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who has failed to list for taxation his intangible personal property, in whole or in part, because he was not called upon by the county tax commissioner or for any other reason, may at any time, and shall after the county tax commissioner has returned his books, list the property with the department by reporting to the department the full details and a

correct description of the omitted property and its value. The department may determine and fix the fair cash value, estimated at the price it would bring at a fair voluntary sale, of the property so reported and listed for taxation.

(2) Any person dissatisfied with or aggrieved by the finding or ruling of the department may appeal such finding or ruling in the manner provided by KRS 131.110.

(3) The department shall prescribe, promulgate and provide such rules, regulations, forms and records as it deems necessary and proper for the listing and assessment of the property so assessed or to be assessed for taxation. The tax so assessed shall be paid to and collected by the department.

(4) All property assessed pursuant to this Section shall be liable for the payment of the taxes, interest and penalties provided by law for failure to list the property with the county tax commissioner or other assessment board, commission or authority within the time and in the manner prescribed by law, except that if the taxpayer voluntarily lists property under this section the twenty per cent penalty provided to be paid to the department shall not apply, unless the taxpayer on an appeal from the action of the department attempts to reduce the assessment and is unsuccessful.

(5) If after demand by the department, any taxpayer refuses to voluntarily list any intangible property omitted from assessment, the department shall make an estimate of the fair cash value of the omitted intangible property for such information in its possession and assess the property for taxation and require payment of the taxes, penalties and interest due to the state from the person thus assessed. Notice of the assessment shall be mailed to the taxpayer or his agent. The finality and review of any assessment made pursuant to this section shall be governed by the provisions of KRS 131.110. Effective July 1, 1954, this procedure may be employed to secure an assessment of all omitted intangible property as defined in KRS 132.290 in any case where the taxpayer fails to list voluntarily after demand has been made upon him so to do.

Section 2. Section 132.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any assessment of accounts receivable, notes, stocks or bonds that were listed with the county tax commissioner may be reopened by the Department of Revenue within two years after the date as of which they were assessed, unless the assessed value thereof is the face value in the case of accounts receivable and notes or the quoted value in the case of stocks and bonds, or has been established by a court of competent jurisdiction. If upon reopening the assessment the department finds that the assessment was less than the fair cash value and should be increased, it shall give notice thereof to the taxpayer, who may within twenty days thereafter protest to the department and offer evidence to show that no increase should be made. After the department has disposed of the protest, the taxpayer may appeal from any such additional assessment as provided by KRS 131.110 and 131.120.

(2) Upon such assessment becoming final the department shall certify the amount due to the taxpayer. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties as the tax on omitted property.

By Mr. Wathen and Mr. Lowman.

H. B. No. 203. AN ACT relating to motor vehicle liability insurance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever an automobile dealer or bank or other lending institution which handles automobile loans procures a policy of insurance for the purchaser of an automobile, new or used, if such policy does not cover the insured as to public liability insurance, then such person or institution shall cause to be stamped or written on the face of the purchaser's copy of such policy a statement that such policy does not cover bodily injury or property damage insurance.

Section 2. Any person who shall violate the provisions of this Act shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

By Mr. Wathen and Mr. Lowman.

H. B. No. 204. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 136.120 of the Kentucky Revised Statutes is amended to read as follows:

Every railway company, sleeping car company, chair car company, dining car company, gas company, water company, ferry company, bridge company, street railway company, interurban electric railroad company, express company, electric light company, electric power company, telephone company, telegraph company, bus line company, common carrier trucking company, air transport company, pipe line company, water transportation company, and every other like company or business performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the state and a local tax thereon to the county, incorporated city, town and taxing district wherein its franchise may be exercised.

Section 2. Subsection (3) of Section 136.160 of the Kentucky Revised Statutes is amended to read as follows:

If the lines or route of a domestic or foreign railway company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telephone company, telegraph company, press dispatch company, bus line company, common carrier trucking company, air transport company, palace car company, dining car company, sleeping car company, chair car company, tank car company, coal car company, pipe line company, water transportation company, or other like company or business performing any public service, extend beyond the limits of the state, that proportion of the value of the capital stock which the length of the lines or route operated, owned, leased or controlled in this state bears to the total length of the lines or route operated, owned, leased or controlled in this state and elsewhere shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this state.

Section 3. A new Section of Kentucky Revised Statutes is created to read as follows:

Boats, tugs, barges and other water craft of any nonresident person, corporation, partnership, or any other business association whose route or system is partly within this state and partly within another state or states, shall be valued by the Department of Revenue for purposes of taxation and shall be assessed by the Department of Revenue; and the department shall fairly divide, allocate and certify such assessments to each county, city, town, or other taxing district within this state, within or through which such route or system is operated, the division, allocation, and certification to be determined in the following manner:

(1) The proportion of the value of the property which the length of the lines or route operated in this state bears to the total length of lines or route operated in this state and elsewhere, shall be considered in fixing the value of the property for taxation in this state. Any other reasonable evidence of value shall be considered in fixing the value but such evidence must be prescribed by departmental regulations.

(2) After ascertaining the portion of the system valuation of such property attributable to this state, the Department of Revenue shall allocate the value of the property among the counties, cities, towns, and other taxing districts. The proportion which the length of line or route operated in that jurisdiction or taxing district bears to the total length of lines or route operated in this state shall be considered in this allocation and such other reasonable evidence of value as the Department of Revenue may by regulations prescribe.

Section 4. A new Section of Kentucky Revised Statutes is created to read as follows:

On or before March 1, 1955, and each year thereafter, each nonresident person, corporation, partnership or other business association owning or operating boats, tugs, barges, or other water craft whose route or system is partly within this state and partly within another state or states, shall on forms provided by the Department of Revenue provide the Department of Revenue with a detailed description of all such property as well as a de-

tailed description of the entire route or system traversed and such other information as the Department of Revenue may by regulation prescribe.

Section 5. A new Section of Kentucky Revised Statutes is created to read as follows:

The taxes on the above property shall become due at the same time and shall be subject to the same discount and penalties as provided by KRS 134.020, and shall be collected in the same manner as taxes on other tangible property; except that the state tax on such property shall be collected directly by the Department of Revenue.

Section 6. A new Section of Kentucky Revised Statutes is created to read as follows:

Any taxpayer who has been assessed by the Department of Revenue in the manner outlined above shall have thirty days from the date of the department's notice of the tentative assessment in which to protest and ask for a change thereof in the manner provided by KRS 131.110.

Section 7. A new Section of Kentucky Revised Statutes is created to read as follows:

Any taxpayer feeling himself to be aggrieved by the final action of the Department of Revenue may appeal to the Kentucky Tax Commission and thence to the courts in the manner provided by KRS 131.110 and KRS 131.120.

Section 8. A new Section of Kentucky Revised Statutes is created to read as follows:

When the Department of Revenue has made a final determination as to the valuation of any such property owned or operated by such nonresident person, corporation, partnership or other business association, it shall immediately certify the amount thereof to the county clerk of each county in which any such property is liable for taxation. The certification shall be filed by each county clerk in his office and the county clerk shall certify to the proper collecting officer of the county, city, town, or taxing district for collection.

Section 9. A new Section of Kentucky Revised Statutes is created to read as follows:

Sections 3 through 9 shall not apply to any person, corporation, partnership or other business association coming within the purview of KRS 136.120.

By Mr. Wathen and Mr. Lowman.

H. B. No. 205. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 133.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of supervisors shall convene at the county seat on the first week day in May in 1954 and on the second Monday in May in each year thereafter; except that no meeting shall be held until the tax roll has been completed and until after the inspection period provided by law. All records of the county tax commissioner shall be available to the board of supervisors while meeting.

(2) The board of supervisors shall continue in session until all appeals are heard and decided; except that it shall not continue in session more than ten days after it convenes in 1954 nor more than five days after it convenes in each year thereafter; unless an extension of time is authorized by the Department of Revenue upon request of the county judge. Each supervisor shall be paid ten dollars for each day he serves, except that if the board consists of more than three members, each supervisor shall be paid five dollars for each day he serves. This compensation shall be paid one-half out of the county levy and the other half out of the State Treasury.

Section 2. Section 133.045 of the Kentucky Revised Statutes is amended to read as follows:

The tax roll shall be open for inspection in the tax commissioner's office from April 15 to May 1, 1954, and for five days beginning on the first Monday in May of each year thereafter.

In case of necessity, the Department of Revenue may order a reasonable extension of time for the inspection period of the tax roll or it may order that the inspection period be at a different time than that provided herein. It shall be the duty of the tax commissioner to publish a notice as to the time of the inspection period in the newspaper having the largest bona fide circulation in the county at least three days before the beginning of such period. The cost of such notice shall be paid by the fiscal court of the county. Such notice shall also be posted at the courthouse door. Failure to publish or post notices when the inspection period is at the regular time as provided in this Section shall not invalidate assessments made by the county tax commissioner and recorded on the tax roll prior to the inspection period.

By Mr. Wathen and Mr. Lowman.

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Hospital" means one of the state tuberculosis hospitals performing medical or surgical treatment;

(2) "Commission" means the State Tuberculosis Hospital Commission;

(3) "District" means one of the state tuberculosis hospital districts enumerated in Section 6 of this Act;

(4) "Paying patient" means a person of any race hospitalized or seeking hospitalization in one of the hospitals who is able to pay all or any part of the hospitalization cost through insurance of any kind or by any other means;

(5) "Medically indigent patient" means a person of any race hospitalized or seeking hospitalization in one of the hospitals who is unable to pay any part of the hospitalization cost because of economic conditions and personal responsibilities.

Section 2. (1) The commission shall consist of five members. The Commissioner of Welfare shall be ex officio a member and the other four members shall be appointed by the Governor. The appointed members shall be appointed for terms of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term.

(2) The commission shall annually elect a chairman from its membership, for a term of one year. The commission shall meet regularly and at the call of the chairman, or at the call of the Governor, or upon written request of two or more commission members, at such time and place as is designated in the call.

(3) The members of the commission, other than the Commissioner of Welfare, shall receive a per diem of ten dollars for each meeting attended and all members shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and otherwise in performing their duties. The per diem and expenses of the commission members shall be paid out of appropriations for the ordinary recurring expenses of operating the state tuberculosis hospitals.

Section 3. (1) The commission shall have charge of the government and operation of the hospitals located in each of the districts enumerated in Section 6 of this Act and shall have authority to prescribe rules and regulations for that purpose.

(2) All funds and properties of the hospitals shall be under the management and control of the commission, subject to the provisions of Chapters 12, 41, 42 and 45 of the Kentucky Revised Statutes.

(3) The commission may receive property by legacy, conveyance or otherwise, on behalf of the Commonwealth, in aid and furtherance of the objects of the hospitals or of any individual hospital. Any donation for a specified use shall be applied to such use and no other.

(4) The commission shall furnish to the Governor an annual report covering the operations of the hospitals and such other reports as the Governor may require.

Section 4. Any appropriations made by the General Assembly, including revolving trust or agency fund appropriations, for

the ordinary recurring expenses of operation of the hospitals, shall be made available to the commission. The commission, with the approval of the Commissioner of Finance, shall allocate and apportion such appropriations among the various hospitals as in its judgment will best meet the needs and purposes of the hospitals.

Section 5. The title to all property situated in Jefferson County that is used and occupied by the hospital in that county is hereby transferred to and shall hereafter be vested in the Commonwealth, and the State Board of Health shall execute such conveyance and instruments as are necessary to effectuate the record of such transfer. Such transfer shall not affect the validity of any mortgage or bonds, heretofore executed according to law, which constitute an encumbrance upon such property, and the commission shall arrange for the payment of the interest and principal of such mortgage or bonds out of any funds appropriated for that purpose.

Section 6. The state is hereby divided into six tuberculosis hospital districts, consisting of the following counties:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Caldwell, Webster, Union, Henderson, Marshall, Calloway, Crittenden, Lyon, Trigg, Christian, Muhlenberg, Hopkins, Daviess and McLean Counties;

(2) Second District: Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Larue, Marion, Nelson, Franklin, Henry, Carroll, Garrard, Bullitt, Jefferson, Oldham, Shelby, Spencer, Washington, Mercer, Boyle, Anderson, Woodford, Trimble, Jessamine, Lincoln and Casey Counties;

(3) Third District: Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Scott, Harrison, Bracken, Nicholas, Bourbon, Fayette, Clark, Montgomery, Bath, Fleming, Powell, Mason, Robertson, Madison, Estill and Wolfe Counties;

(4) Fourth District: Lewis, Rowan, Menifee, Elliott, Carter, Greenup, Pike, Boyd, Lawrence, Morgan, Magoffin, Johnson, Martin and Floyd Counties;

(5) Fifth District: Lee, Owsley, Jackson, Rockcastle,

Pulaski, Laurel, Knox, Clay, Leslie, Perry, Harlan, Bell, Whitley, McCreary, Breathitt, Knott and Letcher Counties;

(6) Sixth District: Butler, Logan, Warren, Simpson, Edmonson, Allen, Hart, Barren, Clinton, Green, Taylor, Metcalfe, Adair, Russell, Monroe, Cumberland, Todd and Wayne Counties.

Section 7. The commission shall employ and fix compensation of an executive director for the hospitals. The executive director shall make his headquarters in Frankfort and shall be authorized to employ sufficient staff to permit sound administration of the hospitals. He shall be responsible to the commission for the total administration of the hospitals, within policies established by the commission, and for other such duties as may be prescribed by the commission. The executive director shall have such qualifications as may be prescribed by the commission and the Division of Personnel Efficiency of the Department of Finance.

Section 8. (1) The commission shall employ and fix the compensation of such qualified professional, technical and administrative personnel as it deems necessary for the operation of the hospitals and may regulate the terms of service and types of duties.

(2) Physicians serving in executive capacities shall be graduates from accredited schools of medicine; have full licenses to practice medicine in the state of Kentucky, have had at least five years of clinical experience in the field of tuberculosis and be members, in good standing, of the Kentucky State Medical Association.

(3) Physicians not serving in executive capacities shall have licenses to practice medicine in Kentucky.

(4) Other professional, technical and administrative personnel serving in executive capacities shall have such professional qualifications as may be prescribed by the commission and the Division of Personnel Efficiency of the Department of Finance.

Section 9. The commission shall prescribe the method of allocation of beds and in so doing shall make available for medically indigent patients at least one-half of the accommodations.

Subject to the approval of the Governor, the commission shall fix rates for hospitalization.

Section 10. (1) Subject to the provisions of Sections 9 and 11 of this Act, subsection (2) of this section, and to such rules and regulations as the commission may prescribe, any medically indigent patient or paying patient who is a resident of the hospital district, sent to the hospital by any county or city board of health physician or private physician of the hospital district, with the certification as to economic conditions and residential status by the county judge of the county of which the patient is a resident, may be admitted for treatment.

(2) Medically indigent patients and paying patients seeking admission to one of the hospitals shall have been a resident of the Commonwealth of Kentucky for a period of twelve consecutive months immediately prior to the date of application.

Section 11. Subject to the provisions of Section 9 of this Act, the commission shall establish waiting lists for each hospital whenever the number of applicants is greater than can be adequately treated.

Section 12. The commission shall have authority to transfer patients, whether medically indigent patients or paying patients from one hospital to another when such transfer better serves the needs of the patients.

Section 13. The cost of transporting paying patients from the place of their residence to any of the hospitals shall be paid by themselves or by their friends or relatives. The cost of transporting medically indigent patients from the place of their residence to the hospital for hospitalization, for out-patient care or from one hospital to another shall be paid by the fiscal court of the county of which they are resident.

Section 14. Sections 215.065 to 215.072 and 215.076 to 215.079 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Wathen.

H. B. No. 207. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 136.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) An annual tax of fifty cents on each one hundred dollars of their fair cash value is hereby imposed upon the shares of stock of state banks and trust companies incorporated under the laws of this state, and of national banks doing business in this state. The tax shall be paid to the state annually by the banks and trust companies for and on behalf of the owners of the shares of stock. The tax shall be for state purposes only, and in lieu of all other taxes upon such shares by the state, or any county, city or other taxing district except as provided in subsections (2), (3) and (4) of this section.

(2) The county in which the bank or trust company is located may impose a tax of not exceeding twenty cents on the one hundred dollars of the fair cash value of the shares.

(3) The city in which the bank or trust company is located may impose a tax of not exceeding twenty cents on the one hundred dollars of the fair cash value of the shares.

(4) A tax not exceeding forty cents on the one hundred dollars of the fair cash value of the shares may be imposed for school purposes in the district in which the bank or trust company is located.

Section 2. Section 136.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every bank and trust company incorporated under the laws of this state, and every national bank doing business in this state, shall, by March 1, 1955 and March 1 of each year thereafter, make a report to the Department of Revenue. This report shall show the name and postoffice address of the bank or trust company; the names of the president, cashier and board of directors; the number of shares of stock and the par and market value of each share; the amount of surplus and undivided profits; the amount of real property charged off that has not been actually sold and transferred; the amount of its deposits; the amount of cash on hand; the amount of securities held by it; the amount

loaned on mortgages; the amount of its loans and discounts; the value of all tangible property situated in this state that is held and owned by the bank or trust company on January 1, 1955 and January 1 of each year thereafter; and such other information as may be required.

(2) From the report made pursuant to subsection (1) of this section, and from such other evidence as it may have, the Department of Revenue shall fix the value of its shares, consistent with Sec. 171, 172 and 174 of the Constitution. From the amount thus fixed, there shall be deducted the assessed value of its tangible property in this state. The remainder thus found shall be the assessed value of the shares.

(3) The Department of Revenue shall, immediately after fixing the value of the shares, notify the taxpayer of any tax assessed by it in the manner provided in KRS 131.110. The finality and review of such assessment shall be governed by KRS 131.110, KRS 131.120 and KRS 131.125. When the assessment has been finally determined, the Department shall immediately certify to the county clerk of each county the amount thereof liable for county, city or district tax. The certificate shall be filed by each county clerk in his office, and by him certified to the proper collecting officer of the county, city or taxing district for collection. The above taxes shall become due at the same time and shall be subject to the same discount and delinquent penalties set forth in KRS 134.020. The collection of these taxes shall be in the same manner as the collection of other property taxes except that the taxes due the state shall be collected by the Department of Revenue.

(4) Each bank and each trust company shall list its tangible property with the assessing officer of each county and city in which such property is located, and pay taxes thereon to the collecting officer of such county, city or other taxing district, and that officer shall make out and return the assessment to the proper authorities of the county and city, at the same time and in the same manner as prescribed by law for the return of the assessment of personal property therein.

By Mr. Wathen and Mr. Lowman.

H. B. No. 208. AN ACT relating to the Financial Responsibility Law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (4) of Section 187.330 of the Kentucky Revised Statutes is amended to read as follows:

(4) Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall notify the Department within such time and in such manner as the Department may require, in case such policy or bond was not in effect at the time of such accident.

Sec. 2. This Act shall be applicable with respect to all notices of accidents received by insurance companies or surety companies on or after July 1, 1954.

By Mr. Wathen and Mr. Lowman.

H. B. No. 209. AN ACT relating to motor vehicles operators' licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 186.580 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person aggrieved by any ruling of the Department relating to the denial, revocation, suspension or cancellation of an operator's license, or any other safety provision of KRS 186.400 to 186.640, other than orders of revocation or suspension when the facts render revocation or suspension mandatory, shall within twenty (20) days of the date of issuance of such ruling advise the Department of his grievance, stating the grounds for it. In not less than fifteen (15) nor more than thirty (30) days, after making known his grievance, the aggrieved party may petition the quarterly court of the county in which he resides, for relief. The quarterly court may grant adequate relief. A copy of the petition shall be filed with the department.

By Mr. Wathen and Mr. Lowman.

H. B. No. 210. AN ACT relating to county tax commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.390 of the Kentucky Revised Statutes is amended to read as follows:

Each county tax commissioner may, subject to the approval of the Department of Revenue, appoint any person who has the qualifications prescribed by the Department to assist him in the discharge of his duties. The compensation of deputies and assistants shall be subject to the approval of the Department. Each deputy or assistant may be removed at the pleasure of the county tax commissioner.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event a tax commissioner resigns or deceases before the expiration of his term of office, the personal compensation for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year. The personal compensation of the duly appointed or elected successor for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year. In the interim between the death or resignation of the tax commissioner and the appointment or election of his successor, the Department shall administer the duties of the tax commissioner.

By Mr. Wathen and Mr. Lowman.

H. B. No. 211. AN ACT relating to the creation of an independent state agency to be known as the Kentucky State Athletic Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 229.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise, "commission" means the Kentucky State Athletic Commission.

Section 2. There is hereby established an independent agency of state government to be known as the Kentucky State Athletic Commission. The Commission shall constitute an agency independent of the administrative department provided for in KRS Chapter 12. The commission shall consist of three members who shall be appointed by the Governor for terms of four years. The Governor shall also appoint their successors each successive fourth year. The members of the commission, with the exception of the chairman, shall receive no salaries, but shall receive their reasonable and necessary expenses in connection with the performance of their duties.

Section 3. The commission shall, at its first meeting, adopt a seal for the commission. Two of the members of the commission shall constitute a quorum to do business; and the concurrence of at least two members of the commission shall be necessary to render a choice or decision by the commission, except in matters of office and personnel direction and supervision which shall be attended to by the chairman as prescribed in Section 4 of this Act.

Section 4. The chairman of the commission shall be designated by the Governor and shall receive a salary not to exceed five thousand dollars per year. The chairman shall call meetings of the commission at his discretion, preside thereat and shall supervise and direct the functions of all personnel employed by the commission to carry out its duties.

Section 5. The commission shall appoint and at its discretion remove, a secretary to the commission, whose duty it shall be to keep a full and true record of its proceedings, preserve at its general office all its books, documents and papers, prepare for

service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe. The commission shall prescribe the salary of the secretary within the limits of its appropriation and shall be authorized to employ such personnel as may be necessary to carry out the provisions of KRS Chapter 229. The salaries of all personnel shall be fixed by the commission within the limits of its appropriation.

Section 6. The commission shall maintain a general office for the transaction of its business, space for which shall be secured by the State Property and Buildings Commission as provided in KRS 56.460.

Section 7. Section 229.020 of the Kentucky Revised Statutes is amended to read as follows:

Unless a license or permit has been granted by the commission, as provided in this chapter, no person shall:

(1) Engage in a prize-fight, or a fight for a bet or stakes;

(2) Act as a second in a fight, bear a challenge or the oral or written acceptance of a challenge for the fight, make up or aid in making up the stakes for the fight or assist in any way in the bringing on or conducting of the fight;

(3) Train or prepare, or assist another in training or preparing for such a fight in this or any other state;

(4) Be present at any such fight as a voluntary spectator;

(5) Voluntarily permit the use of any land owned, controlled or occupied by him for such a fight; or

(6) Engage in, or be voluntarily present at, a "pitched battle."

Section 8. Section 229.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall have sole control and jurisdiction over all boxing and wrestling matches and exhibitions held by any person. No boxing or wrestling match or exhibition shall be held except by the license of the commission and in accordance with this chapter.

(2) The commission may in its discretion issue, and at its discretion issue and revoke a license to hold a boxing or wrestling match or exhibition.

(3) The commission may hold hearings and may issue subpoenas for the attendance of witnesses. Any person who disobeys a subpoena of the commission shall be subject to the same penalty as if the disobedience occurred in an action in the circuit court.

Section 9. Section 229.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every license shall be subject to such regulations as the commission prescribes.

(2) Every application for a license shall be in writing, shall be addressed to the commission and shall be verified by the applicant, if an individual, or by some officer, if a corporation or association, on whose behalf the application is made. It shall contain a recital of such facts as show the applicant entitled to receive a license and such other facts and recitals as the commission requires to be shown.

Section 10. Section 229.070 of the Kentucky Revised Statutes is amended to read as follows:

The license fee shall be three hundred dollars annually within fifteen miles of a city or cities having an aggregate population of two hundred thousand or more, two hundred dollars annually within fifteen miles of a city or cities having an aggregate population of more than seventy-five thousand and less than two hundred thousand and one hundred dollars elsewhere. The fee shall be payable to the commission.

Section 11. Section 229.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall issue a permit without the payment of any taxes or license, to any accredited college, university, school, Young Men's Christian Association or Young Men's Hebrew Association to hold boxing or wrestling matches or exhibitions upon a sufficient showing that the matches or exhibitions are to be held by and between bona fide students or mem-

bers of such accredited colleges, universities, schools, Young Men's Christian Associations or Young Men's Hebrew Associations. The commission shall also issue a permit, without payment of taxes or license, to any organization to hold a boxing or wrestling match or exhibition under the sanction of the Kentucky Association of the Amateur Athletic Union of the United States. No boxer or wrestler who has received any fee, purse or other compensation shall be eligible to appear in any match or exhibition sponsored by such a college, university, school, Young Men's Christian Association, Young Men's Hebrew Association, or organization.

(2) Any regularly organized post of the American Legion, and any organization operating solely for charitable purposes from which no individual, partnership or corporation derives any monetary gain, may hold boxing or wrestling matches or exhibitions without the payment of the license fee prescribed by KRS 229.070. Any post of the American Legion or other organization holding matches or exhibitions under this section shall be subject to the provisions of KRS 229.090 and 229.100.

Section 12. Section 229.090 of the Kentucky Revised Statutes is amended to read as follows:

Before a license is granted to any person to hold a boxing or a wrestling match or exhibition, the applicant shall file with the commission a bond in the sum of two thousand dollars, to be approved as to form and the sufficiency of the sureties by the commission, conditioned for the payment of the tax imposed by KRS 229.100. Upon the approval of the bond, the commission shall issue to the applicant a certificate of filing and approval, which shall be filed by the applicant with the commission, with the application for the license. No license shall be issued until such certificate has been filed.

Section 13. Section 229.100 of the Kentucky Revised Statutes is amended to read as follows:

Every person licensed by the commission, other than those holding a permit under subsection (1) of KRS 229.080, shall, within twenty-four hours after the termination of every match or exhibition, furnish to the commission a written report, verified by the person, if an individual, or by some officer, if a corporation

or association, showing the number of tickets sold for the match or exhibition, the amount of the gross receipts and such other matters as the commission prescribes. He shall also, within the same period, pay to the commission a tax of five percent of the gross receipts from the sale of all tickets to the match or exhibition.

Section 14. Section 229.110 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a person fails to make the report within the time prescribed by KRS 229.100, or whenever the report is unsatisfactory to the commission, it may examine or cause to be examined the books and records of that person to ascertain and fix the total amount of its gross receipts for any match or exhibition and the amount of the tax due.

Section 15. Section 229.120 of the Kentucky Revised Statutes is amended to read as follows:

No boxing or wrestling match or exhibition shall be of more than twelve rounds in length except championship matches, which shall be limited in the discretion of the commission.

Section 16. Section 229.130 of the Kentucky Revised Statutes is amended to read as follows:

Contestants in a boxing match or exhibition shall be examined by a reputable licensed physician appointed by the commission. Contestants in a wrestling match or exhibition shall be examined by a reputable licensed physician hired by the person promoting the match or exhibition. All contestants shall be in excellent health before participating in a boxing or wrestling match or exhibition.

Section 17. Section 229.140 of the Kentucky Revised Statutes is amended to read as follows:

Decisions may be rendered in any boxing or wrestling match or exhibition, permitted by this chapter, in the discretion of the commission and by such method as it by rule prescribes.

Section 18. Subsection (6) of section 229.990 of the Kentucky Revised Statutes is amended to read as follows:

(6) Any person who fails to pay the tax ascertained under KRS 229.110 to be due, together with the expenses incurred in making the examination under KRS 229.110, within twenty days after notice to the delinquent person of the amount fixed by the commission, shall ipso facto forfeit his license and be disqualified from receiving a new license or a renewal of the license. In addition, he shall forfeit and pay into the State Treasury five hundred dollars.

Section 19. There is hereby appropriated the sum of $15,275 for the 1954-1955 fiscal year, without lapse in that year and the sum of $15,000 for the 1955-1956 fiscal year to the Kentucky State Athletic Commission for the purpose of carrying out the provisions of KRS Chapter 229.

By Mr. Wathen and Mr. Lowman.

H. B. No. 212. AN ACT relating to licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides except if the motor vehicle is to be operated principally in a county other than the county of the owner's residence, the owner may apply for registration to the county clerk of the county in which the motor vehicle is to be principally operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

After that, he shall register his motor vehicle on or before January 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the Department.

(2) If an owner, because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before January 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before January 1. The owner shall file with the application an affidavit showing sickness or absence.

Section 2. Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in, the owner's name and postoffice address, make of the vehicle, motor number or vehicle identification number, car or chassis number, if any, model and year model, motive power, style body, and, if the motor vehicle is a truck, designed for the transportation of property, the gross weight in pounds. The declared gross weight shall be the weight of the vehicle and the heaviest load that the vehicle will be used to carry at any time on the highways. Every application shall be accompanied by the appropriate fee.

Section 3. Subsection (1) of Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles, includ-

ing taxicabs, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

Section 4. Section 186.160 of the Kentucky Revised Statutes is amended to read as follows:

No clerk shall receive an application for registration, nor register a motor vehicle, unless the motor vehicle bears a motor number or a vehicle identification number. If there is no motor number or vehicle identification number, or if the number is not plainly legible, the owner shall apply through the clerk to the department for a motor number or vehicle identification number, and when that number is assigned to the owner's motor vehicle the owner shall cause the number to be stamped on the motor with a steel die or in the space provided by manufacturer for vehicle identification number. That number shall thereafter be used by the owner in making registration or executing a bill of sale.

Section 5. Subsection (2) of Section 186.170 of the Kentucky Revised Statutes is amended to read as follows:

(2) The registration year shall be from January 1 to December 31; however, registration plates for the succeeding year may be displayed beginning December 15.

Section 6. Section 186.210 of the Kentucky Revised Statutes is amended to read as follows:

No person shall make any false statements in applications for registration, motor numbers, or vehicle identification numbers, or duplicates of receipts or plates. The penalty provided for violation of this section by KRS 186.990 shall be printed prominently on every form or blank used for these purposes and furnished by the department. No person shall use, display or keep registration plates or receipts that do not belong, or have not been issued, to him.

Section 7. The introductory phrase and Subsections (2) and (4) of Section 186.240 of the Kentucky Revised Statutes are amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in doing so shall:

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than November 1.

By Mr. McClanahan.

H. B. No. 213. AN ACT relating to compensation of state offices changing the salary of the Adjutant General.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 64.640 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) Based upon an independent study and analysis heretofore made of the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and taking into consideration the character and variety of the services of each agency involved, the maximum annual salary rates payable out of the State Treasury, for the offices and positions in the state service hereinafter named shall be as follows:

(a) Commissioner of Finance, Commissioner of Revenue, Commissioner of Highways, Commissioner of Health, Commissioner of Welfare, Commissioner of Economic Security, Commissioner of Conservation, Reviser of Statutes, Manager of the Kentucky State Fair, Commissioner of Alcoholic Beverage Control, and Adjutant General, $7,500;

(b) Commissioner of State Police, Commissioner of Banking, Commissioner of Industrial Relations, Commissioner (Director of the Division) of Insurance, Commissioner (Director

of the Division) of Motor Transportation, Director of the Legislative Research Commission, Administrator of Distilled Spirit Unit and Administrator of Malt Beverage Unit, $7,000;

(c) Commissioner of Aeronautics, Director of the Division (Commissioner) of Game and Fish, Chief of the Department of Mines and Minerals, Director of the Agricultural and Industrial Development Board, and Private Secretary to the Governor, $6,500;

(d) Heads of statutory departments other than those named in paragraphs (a), (b) and (c) of this subsection, $5,000.

By Mr. Hobart Rayburn, Mr. Jones.

H. B. No. 214. AN ACT relating to the liability of operators of automobile parking lots or automobile storage garages for safekeeping and return of automobiles and their contents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It is declared that the operation of automobile parking lots or automobile storage garages, wherein automobiles are parked or stored for hire, is a business impressed with the public interest. It is further declared that any contract purporting to limit the liability of the operator of such a lot or garage, for loss of or damage to an automobile parked for hire, or its contents, except liability for damage by the elements or by physical forces beyond the control of the operator and his employes, is against public policy.

Sec. 2. Every operator of an automobile parking lot or automobile storage garage, wherein automobiles are stored or kept for hire, shall be obligated to safely keep and return such automobiles, and their contents, and shall be liable for any loss of or damage to such automobiles, and their contents, except damage by the elements or by physical forces beyond the control of the operator and his employes. The liability shall expressly include liability for theft, and for damage resulting from collision between automobiles on the lot or in the garage. No contract purporting to limit the liability shall be valid.

By Mr. Weintraub and Mr. Dressman.

H. B. No. 215. AN ACT relating to penalties for driving a motor vehicle while under the influence of intoxicating liquors or narcotic drugs, and amending subsection (10) of Section 189.990 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (10) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any person who violates subsection (2) of KRS 189.520 shall be imprisoned for not less than three days nor more than thirty days, or fined up to one hundred dollars, or both, for the first offense; and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not less than thirty days or more than six months, or both.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

By Mr. McFadden.

H. B. No. 216. AN ACT relating to motor vehicle operators' licenses, and repealing subsection (2) of Section 186.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 186.410 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Smith.

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company in this Commonwealth obtaining gas from wells located within this Commonwealth, shall, upon the request of persons living within one-half air miles of said company's gas well or gas pipe line, furnish service to such persons at rates determined by the Public Service Commission; provided, that nothing contained herein shall be construed as requiring any gas pipe-line company to serve any such persons from lines established on the discharge side of any compressor station.

By Mr. Morgan.

H. B. No. 218. AN ACT relating to pension fund sources for policemen's and firemen's pension fund in cities of the second and third population classes and amending Section 95.580 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The policemen's and firemen's pension fund in cities of the second class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than two cents nor more than eight cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than four percent of his salary, to be

withheld from the monthly salary and paid by the city treasurer into the pension fund.

(d) The appropriation and contribution by each city of the second class in which a policemen's and firemen's pension fund is created and being maintained, of an annual sum equal to the amount of any tax, excepting ad valorem taxes, levied and collected by such city from persons, firms, or corporations doing business in such city, based upon premiums charged for policies insuring against loss by fire, windstorm, tornado, explosion, automobile liability or collision, robbery, theft, burglary, personal injury by accident, personal incapacity by sickness, and policies of insurance upon the lives of human beings, whether the said policies be ordinary or industrial, group, or other form.

(2) The policemen's and firemen's pension fund in cities of the third class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than one cent nor more than four cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund may make, upon each member of the police and fire departments, of not more than four percent of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(d) The appropriation and contribution by each city of the third class in which a policemen's and firemen's pension fund is created and being maintained, of an annual sum equal to the amount of any tax, excepting ad valorem taxes, levied and collected by such city from persons, firms, or corporations doing business in such city, based upon premiums charged for policies insuring against loss by fire, windstorm, tornado, explosion, automobile liability or collision, robbery, theft, burglary, personal injury by accident, personal incapacity by sickness, and policies

of insurance upon the lives of human beings, whether the said policies be ordinary or industrial, group, or other form.

Section 2. Both the principal and interest of the pension funds described in this Act shall be applicable to the payment of pensions in cities of the second and third classes.

By Mr. Newsom.

H. B. No. 219. AN ACT relating to sureties on bonds of city or county officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Individual sureties on bonds required by law to be executed and given by an officer of any city or county as provided in subsection (1) of KRS 62.060, shall not become surety on more than one bond of any such officer at the same time.

By Mr. Newsom.

H. B. No. 220. AN ACT relating to the definition of "motor vehicle" as applied in cases of statutory liens, and amending Section 376.281 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.281 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in KRS 376.270 and 376.280, "motor vehicle" shall include farm tractors and other farm equipment propelled by a motor, and other vehicles used or designed for navigation of or flight in the air, as well as those used or designed for operation on the public highways.

By Mr. Wathen.

H. B. No. 221. AN ACT relating to local public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon request of any county or city-county board of health except in counties containing a city of the first class, the fiscal court of the county shall adopt a resolution submitting to the qualified voters of the county, the question as to whether a public health taxing district shall be established for the county. A certified copy of the order of the fiscal court shall be filed with the county clerk at least forty-five days prior to the next regular election and thereupon the county clerk shall cause the question to be placed upon the ballot. The question shall be in the following form: "Are you in favor of establishing a public health taxing district for (insert name of county) county which shall have the authority to impose a special ad valorem tax for the maintenance and operation of the (insert name of county or city-county) health department, provided that such special tax shall not exceed (insert amount) cents on each one hundred dollars of the assessed valuation of all property in the district?" If a majority of those voting on the question favor the establishment of a public health taxing district for the county it be so established and shall constitute and be a taxing district within the meaning of Section 157 of the Constitution of Kentucky. The members of the county or city-county board of health shall, by virtue of their office, constitute and be the governing body of the public health taxing district and shall perform the duties attendant thereto in addition to their duties as members of the county or city-county board of health. The officers of the county or city-county board of health shall be the officers of the public health taxing district.

Section 2. If, after the establishment of the public health taxing district, as provided in Section 1 of this Act, the tax levying authorities of the district, in the opinion of the county or city-county board of health, do not appropriate an amount sufficient to meet the public health needs of the county or the city-county health department or do not appropriate an amount sufficient to meet the standards prescribed by the State Board of Health for health departments, the county or city-county board of health, acting as the governing body of the taxing district, shall with the approval of the State Department of Health, im-

pose by resolution a special ad valorem public health tax in such amount that it deems sufficient, but not in excess of the maximum amount approved by the electorate as provided for in Section 1 of this Act. The fiscal court shall upon receipt of a duly certified copy of said resolution, include in the next county ad valorem tax levy said special public health tax imposed by the county or city-county board of health which shall be in addition to all other county ad valorem taxes. Said special public health tax shall be collected in the same manner as are other county ad valorem taxes and turned over to the county or city-county board of health to be used solely for the maintenance and operation of the county or city-county health department.

Section 3. The special ad valorem tax rate for the maintenance and operation of the county or city-county health department provided for by Section 1 of this Act shall not be increased unless same is submitted to the voters of the county at a general election and approved by a majority of the votes cast on the issue. The county or city-county board of health may file a duly certified copy of its resolution with the county court clerk at least forty-five days prior to said election and the county court clerk shall thereupon cause the question to be placed upon the ballots in the following form: "Are you in favor of increasing from (insert amount) cents to (insert amount) cents on each one hundred dollars of the assessed valuation of all property in the (insert name of county) county public health taxing district the maximum tax which the district can impose for the maintenance and operation of (insert name of county or city-county) health department?" The tax authorized by this Section shall be collected in the same manner as are other county ad valorem taxes and shall be turned over to the county or city-county board of health as the governing body of the taxing district. The tax authorized by this Section shall be in addition to all other county ad valorem taxes.

Section 4. Section 212.150 of the Kentucky Revised Statutes is repealed.

By Mr. Wathen.

H. B. No. 222. AN ACT relating to public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky recognizes and hereby declares that it is an essential function, duty and responsibility of the government of this Commonwealth to adequately safeguard the health of all its citizens, and to establish, maintain, implement, promote and conduct appropriate facilities and services for the purpose of protecting the public health. This Act is enacted with the expressed legislative intention of effectuating the aforesaid objectives in the manner provided herein.

Section 2. As used in this Chapter unless the context requires otherwise:

(1) "Department" means the State Department of Health;

(2) "Board" means the State Board of Health;

(3) "Commissioner" means the Commissioner of Health;

(4) "Deputy" means Deputy Commissioner of Health;

(5) "Division" means a division of the Department of Health;

(6) "President" means President of the State Board of Health;

(7) "Secretary" means Secretary of the State Board of Health.

Section 3. Section 211.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is in the state government a Department of Health. The department shall consist of the board, the commissioner and deputy commissioners, and the divisions set out in Section 8 of this Act and such divisions as may be created pursuant to KRS 12.030. Also included in the department, for administrative and budgetary purposes, are the State Water Pollution Control Commission as provided for in KRS 220.600, the Hospital Council established by KRS 216.460, the State Hospital Advisory Council, the Merit System Council, and such other

advisory councils as may be appointed by the Governor or the board.

(2) The department may, with the written approval of the Governor, establish branch offices in the state.

Section 4. Except as otherwise provided by law, the department shall administer all provisions of law relating to public health; shall enforce all public health laws and all regulations of the board; shall supervise and assist all local boards of health and departments; shall do all other things reasonably necessary to protect and improve the health of the people; and may cooperate with Federal and other health agencies and organizations in matters relating to public health.

Section 5. Section 211.030 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall be the chief executive officer of the department. Beginning with the term commencing on July 1, 1954, he shall be elected by a majority of the appointed members of the board to serve for a term of four years and until his successor is elected and qualified. The board may elect one of its own members as commissioner. The commissioner shall be a graduate of a school of medicine approved by the board, shall be licensed to practice medicine in this state, and shall have had at least five years' experience in public health administration. The Commissioner shall receive an annual salary of twelve thousand dollars.

Section 6. The commissioner may appoint not more than four deputy commissioners and delegate to them such of his powers, duties and authority as will facilitate and expedite the operations of the department. Not all of said deputy commissioners need be graduates of medical schools or licensed to practice medicine. The commissioner may designate one of said deputy commissioners as acting commissioner to exercise and perform all of the functions, duties and authority of the commissioner during his absence.

Section 7. Section 211.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall:

(a) Appoint county boards of health pursuant to KRS 212.020;

(b) Hear and decide appeals from rulings, decisions and actions of the department or the commissioner, where the aggrieved party makes written request therefor to the board within thirty days after the ruling, decision or action complained of;

(c) Elect the commissioner in the manner prescribed in Section 5 of this Act;

(d) Adopt rules and regulations necessary to regulate and control all matters set forth in Section 12 of this Act to the extent the regulation and control of same have not been delegated to some other agency of the Commonwealth and adopt such other rules and regulations as may be necessary to effectuate the purposes of this Act and any other Act relating to public health, except as otherwise provided by law;

(e) Issue or deny hospital licenses pursuant to KRS 216.400 to 216.500;

(f) Approve or disapprove the establishment of proposed hospital service corporations and contracts for hospital service corporations and contracts for hospital services pursuant to KRS 303.020 to 303.040;

(g) Approve or disapprove of the establishment of proposed medical service plan corporations and contracts for medical services pursuant to KRS 303.160 to 303.200;

(h) Act in a general advisory capacity to the commissioner on all matters relating to the department;

(i) Enforce and administer the provisions of KRS 311.250, 311.260, 311.375, 311.376, 311.550 to 311.620.

(2) Except as otherwise provided in subsection (1) above, all powers and authority of the board under existing statutes, are transferred to the department.

Section 8. Section 211.100 of the Kentucky Revised Statutes is amended to read as follows:

The department shall be divided into the following divisions: Division of Budgets and Accounts, Division of Building and

Common Services, Division of Chronic Disease Control, Division of Communicable Disease Control, Division of Dental Health, Division of Food and Drug Control, Division of Hospital Services, Division of Legal Services, Division of Local Health Services, Division of Maternal and Child Health, Division of Medical Licensure, Division of Merit System Services, Division of Nutrition, Division of Occupational Health, Division of Personnel and Training, Division of Public Health Education, Division of Public Health Engineering, Division of Public Health Laboratories, Division of Public Health Nursing, Division of Public Health Sanitation, Division of School Health, Division of Statistical Services, Division of Tuberculosis Control and Division of Vital Statistics.

Section 9. Each division shall be headed by a director, appointed by the commissioner, provided, however, that in the discretion of the commissioner, two or more of said divisions may be headed by the same director. Divisions may be placed under supervision of one or more deputy commissioners, and may be grouped or re-grouped for administrative purposes in such manner as may be determined by the commissioner. Divisions may, in the discretion of the commissioner be subdivided into one or more sections or other subordinate units.

Section 10. Divisions shall perform such duties as may be assigned by the commissioner and shall cooperate with and assist each other and all local health departments in all matters to the extent directed by the commissioner, who shall supervise, coordinate and control the operations of all divisions either individually or by and through one or more deputy commissioners.

Section 11. In relation to local health departments, the department shall, among other things:

(1) Establish policies governing the activities and practices of such departments;

(2) Supervise their financial, personnel, program, administrative and other functions;

(3) Establish standards of operation in accordance with KRS 212.120;

(4) Evaluate the organization and activities of local health departments;

(5) Conduct state and district conferences for local health officers and local health department personnel;

(6) Allocate, modify or cancel allotments of state funds to local health departments pursuant to KRS 212.120; and

(7) Promote the establishment of local health departments.

Section 12. The department shall enforce the rules and regulations adopted by the board for the regulation and control of the matters set out below and shall formulate, promote, establish and execute policies, plans and programs relating to all matters of public health, including but not limited to the following matters:

(1) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and such other diseases and health hazards as may be controlled;

(2) The control of insects, rodents and other vectors of disease; the proper disposal of garbage, waste and other refuse; the safe installation and operation of plumbing and plumbing fixtures; the safe disposal of human and other excreta; the safe handling of food and food products; the safety of cosmetics, the control of narcotics, barbiturates and other drugs as provided by law; the purification of water for public and semi-public use; the proper construction and operation of public water purification plants and distribution systems, swimming pools and sewage treatment plants, including the issuance of permits to and the supervision of operators thereof; the sanitation of schools, industrial establishments and other public and semi-public buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semi-public recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval or disapproval of plans for construction, modification or extension of food-

handling establishments, water purification and distribution systems, swimming pools, sewage treatment plants and such other establishments, systems, plants and places as are designated by the board; the licensure of hospitals; and the control of such other factors as may be necessary to insure a safe and sanitary environment.

(3) Protection and improvement of the health of expectant mothers, infants, preschool and school-age children;

(4) The practice of midwifery, including the issuance of permits to and supervision of women who practice mid-wifery;

(5) Protection and improvement of the health of the people through better nutrition.

Section 13. The department shall provide public health services including the following:

(1) Administrative, consultative, technical, professional and other services needed to assist local health departments in the effective maintenance and operation of their departments;

(2) Administrative, investigative and clerical services required by the board and may upon request provide such services to any other agency of this Commonwealth authorized to control the practice of any other healing art;

(3) Administration of grants, gifts or contributions from the Federal government, or from other sources, for the purpose of carrying out the provisions of Public Law No. 725 (79th Congress, 2nd Session, Chapter 958) or any other Acts for the same or similar purposes;

(4) Central registrations of births, deaths and other vital records and the furnishing of copies thereof to the general public in the manner prescribed by law;

(5) Statistical services, including the compilation, analysis and maintenance of statistics on matters related to public health, and may provide such services to organizations and persons interested in public health;

(6) Education of the public concerning all matters relating to health, including the publication and dissemination of health

information, and the stimulation of citizen support for the promotion and maintenance of high standards of public health throughout the Commonwealth;

(7) Survey and study of the needs of medical and hospital facilities in the interest of the health of the general public;

(8) Establishment, maintenance and operation of public health laboratories and such branches thereof as may be needed;

(9) Establishment, maintenance and operation of training facilities and schools for employees of the department and of local health departments;

(10) Tabulating, duplicating and such other ancillary services as are necessary to the operation of the department, including the keeping of adequate financial, personnel and other records.

Section 14. Whenever, in the opinion of the commissioner, a public health emergency exists in any county, or whenever any county fails to establish, maintain and operate a local health department therein meeting the standards prescribed by the department, the department may assign to said county such of its own personnel as may be designated by the commissioner. Such personnel so assigned shall have the full power and authority of local health department employees in addition to their power and authority as representatives of the department. Whenever such assignment results by reason of the lack of a local health department or of a local health department meeting the standards prescribed by the department, any funds appropriated or allocated to the local health department by either the Commonwealth or the Federal government may be used to reimburse the department.

Section 15. The department may examine into all nuisances, sources of filth and causes of sickness that may, in its opinion, be injurious to the health of the inhabitants in any county in this state, or in any vessel within any harbor or port in any county in this state. Whenever any such nuisance, source of filth or cause of sickness is found to exist on any private property, or in any vessel within any port or harbor in any county in this state, or upon any watercourse in this state, the department may order, in

writing, the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter as the department may order.

Section 16. For the purposes of enforcing the public health laws of the Commonwealth, investigators, inspectors, officers, representatives and agents of the department may enter upon any premises when necessary for the purpose of making inspections and investigations, and may view evidence and interrogate persons, to the extent required in the performance of their duties and responsibilities. The board or the commissioner may issue subpoenas, subpoenas duces tecum and all necessary process in proceedings brought before or initiated by the department or board, and such process shall extend to all parts of the Commonwealth. Service of process may be made by registered mail or in the manner prescribed by the Rules of Civil Procedure.

Section 17. In case of a failure on the part of any person, firm or corporation to comply with any lawful order of the board, or with process, or in case of the refusal of any witness to testify concerning any matter on which he may be lawfully interrogated, the circuit court, or a judge thereof, having jurisdiction may, on application of the board or the commissioner, compel obedience by proceedings as in contempt cases.

Section 18. County, city and Commonwealth's attorneys, and the Attorney General, shall, within their respective jurisdictions, prosecute all violations of the penal provisions of the public health laws of this Commonwealth.

Section 19. While retaining the right to vote as he may please and to express privately his opinion of all political subjects and issues, no employe or officer of the department, including the commissioner, shall take any active part in political management or political campaigns, nor shall he use his office or influence for the purpose of interfering in any election or affecting the results thereof, or for the purpose of coercing the political action of any body or person.

Section 20. Any person who is aggrieved by any ruling, decision or action of the commissioner on other than matters of internal administration may appeal to the board within thirty

days after said ruling, decision or action, by filing with the board a written complaint setting out the ruling, decision or action complained of, the reasons that such person is aggrieved and the relief sought by such person.

Section 21. All officers, assistants and employes of the department shall be paid their necessary traveling expenses while engaged in the discharge of their official and departmental duties.

Section 22. (1) The department may receive and accept gifts and endowments of every kind including gifts and endowments for special purposes and may receive grants from the Federal government. Monies acquired through gifts, endowments or grants shall be deposited in the State Treasury to the credit of a trust or agency fund to be used for the purposes for which they are received. Gifts or endowments with special restrictions as to use or purpose shall be expended in accordance with such restrictions.

(2) The department may mortgage, pledge, sell or convey lands or goods so received unless specifically prohibited by the terms of the gift, proceeds therefrom to go to the credit of a trust or agency fund set out in subsection (1) of this Section.

Section 23. (1) Any owner or occupant who fails to comply with an order made under the provisions of Section 15 of this Act shall be fined not less than ten dollars nor more than one hundred dollars, and each day's continuance of the nuisance, source of filth or cause of sickness, after the owner or occupant has been notified to remove it, shall be a separate offense.

(2) Except as otherwise provided by law, anyone who fails to comply with the provisions of the rules and regulations adopted pursuant to this Act or who fails to comply with an order of the department issued pursuant thereto shall be fined not less than ten dollars nor more than one hundred dollars. Each day of such violation or noncompliance shall constitute a separate offense.

Section 24. Sections 211.010, 211.105 of the Kentucky Revised Statutes are repealed.

By Mr. Kearby.

H. B. No. 223. AN ACT relating to persons exempt from jury service, amending Section 29.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be exempt from service on any jury:

(a) County road overseers.

(b) Dentists.

(c) Members of the Board of Commissioners of the Kentucky School for the Deaf.

(d) Members of boards of education.

(e) Members of the board of aldermen of cities of the first class.

(f) Members of the general council of cities of the second class.

(g) Members of the police force of cities of the first class.

(h) Members and employes of the fire department of cities of the first class.

(i) Officers and servants of the state charitable and correctional institutions.

(j) Officers and enlisted men of the National Guard.

(k) Registered pharmacists while engaged in any store for retailing drugs, medicines or poisons.

(l) Superintendents, principals, teachers and other employes of boards of education, during the term of their contract with the board of education.

Section 2. The following persons shall be exempt from service on a petit jury:

(a) Cashiers and tellers of banks, or those supplying their places for the time.

(b) Civil officers, except notaries public.

(c) Depot agents of railroads.

(d) Embalmers and funeral directors.

(e) Ministers of religious societies.

(f) Physicians and surgeons.

(g) Practicing attorneys.

(h) Retail druggists.

(i) Telegraph operators.

(j) Transient persons.

Section 3. Volunteer members of fire companies in cities of the fourth class shall be exempt from service on juries in the police court.

REPORTS OF COMMITTEES

Mr. McCallum, Chairman of the Committee on Fish and Game, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 111. AN ACT relating to hunting on private property.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 116. AN ACT relating to the manner of holding elections in cities of the second, third and fourth classes having city manager form of government, and amending subsection (1) of section 89.460 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Webster, Chairman of the Committee on Cities of the Sixth Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 105. AN ACT changing the classification of the City of St. Matthews in Jefferson County.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Newsom, Chairman of the Committee on Mines, Oils and Minerals, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 126. AN ACT relating to Mining, and prohibiting same within five feet of property line, and amending subsection (1) of Section 352.490 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Dressman, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 122. AN ACT relating to carrying concealed deadly weapons, and amending subsection (1) of Section 435.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 435.230 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed deadly weapons, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon other than an ordinary pocket knife, to a minor, shall be fined not less than one hundred nor more than five hundred dollars.

(2) Any person convicted a second time under subsection

(1) of this Act shall be fined not less than one hundred nor more than five hundred dollars and confined in the county jail for not less than one month nor more than six months.

(3) Any person convicted a third time under subsection (1) of this Act shall be confined in the penitentiary for not less than one nor more than five years.

With Committee Amendment by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.230 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed deadly weapons, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon other than an ordinary pocket knife, to a minor, shall be fined not less than one hundred nor more than five hundred dollars or shall be confined in the county jail for not less than one month nor more than six months, or both.

(2) Any person convicted a second time under subsection (1) of this Act shall be confined in the penitentiary for not less than one nor more than five years.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. McCallum, Chairman of the Committee on Fish and Game, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 11. AN ACT providing for free hunting and fishing licenses for veterans.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading,

the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Sanders, Chairman of the Committee on Public Utilities, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 94. AN ACT relating to party line telephones, and providing a penalty for the misuse thereof.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read for the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 30. AN ACT relating to the imposition of state occupational license taxes, and amending section 137.050 of the Kentucky Revised Statutes.

H. B. No. 63. AN ACT relating to tax bill forms, notices to taxpayers, and amending subsection (2) of Section 133.220 of the Kentucky Revised Statutes.

H. B. No. 134. AN ACT relating to property taxation.

H. B. No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

H. B. No. 138. AN ACT relating to support of forage, pasture and grassland farming in Kentucky, and to appropriate money therefor.

H. B. No. 59. AN ACT relating to the examination of witnesses in civil actions.

Mr. Lowman moved that the Constitutional provision as to

the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 73. AN ACT relating to tax on use of gasoline.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

Whereas, it has come to the attention of the members of the General Assembly that many motor carriers, both intrastate and interstate, are purchasing gasoline without Kentucky and using such gasoline on the highways of Kentucky without payment of the gasoline tax levied under KRS 138.220 on such gasoline used on Kentucky highways, it is hereby declared to be the legislative policy of this Act to secure the payment of seven cents per gallon on all gasoline used by motor carriers on highways in this state whenever such gasoline is not taxed pursuant to KRS 138.220.

Section 2. As used in sections 1 to 18 inclusive of this act unless the context requires otherwise:

1. "Department" means Department of Revenue.

2. "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010 (3).

3. "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

4. "Public Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of maintenance repair or reconstruction.

5. "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer, or semi-trailer, of a gross weight of not less than 18,000 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodities not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a taxicab or city bus except city buses operated across the border of the State of Kentucky.

6. "Taxicab" means any motor vehicle designed or constructed to accommodate or transport passengers, not more than six in number exclusive of the driver, the principal operation of which is confined to the corporate limits and suburban areas of the cities of this state, and not operating over any definite route, and the destination of which is designated by the passenger or passengers at the time of said transportation.

7. "City Bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

8. "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

9. "Gasoline" means gasoline as defined in KRS 138.210 (4).

10. "Period" means a calendar month.

Section 3. 1. For each period every motor carrier shall pay

a tax equivalent to 7 cents per gallon on the amount of gasoline used in its operations on the public highways of this state.

2. The tax levied under subsection (1) of this section shall be computed and paid as provided in section 9 of this Act.

3. Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for construction, reconstruction, and maintenance of the rural and secondary highways of this state and for no other purpose.

Section 4. 1. A license shall be required of each motor carrier before it uses or continues to use gasoline on the public highways of this state.

2. Application for a license shall be made to the Department of Revenue on forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

3. Concurrently with the filing of an application for a license, the motor carrier shall file with the department a bond as required under section 5 of this Act. No license shall be issued to any motor carrier or continued in force unless such person has furnished a bond as provided in section 5 of this Act to secure payment of any and all gasoline use taxes, penalties and interest due.

4. The application for license in the proper from having been accepted for filing and bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the motor carrier a license; however, if an application for a license is filed by any motor carrier whose license has at any time previously been revoked by the department, or if the department is of the opinion that the person who makes the application is not the real party in interest, the license of which party has at any time prior to the filing of the application been revoked for cause or that the application is not for any reason filed in good faith, the department may after a hearing of which the applicant shall be given 10 days' notice in writing and at which he shall have the right to appear in person or by counsel, refuse to issue a license to that person.

5. All license to use gasoline on the public highways of this state shall be valid and remain in full force and effect unless suspended or revoked for cause or otherwise canceled.

6. A license to use gasoline on the public highways of this state shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

7. Each holder of such license shall display such license number or other identification in the manner prescribed by the Department of Revenue.

8. The department shall keep and file all applications and bonds in an alphabetical index thereof.

Section 5. 1. Every motor carrier shall file with the Department of Revenue a bond in the minimum amount of $500 and in the maximum amount of not more than $10,000 on a form and in such amount and with surety as approved by the department. In the event that a bond is offered for approval which has been issued by a surety company, such company must be authorized to transact business within the State of Kentucky. The motor carrier shall be the principal obliger and the state shall be the obligee. The bond shall be conditioned upon the prompt filing of due returns and the payment by the motor carrier of all gasoline use taxes now or hereafter levied by this state, together with penalties and interest.

2. If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require thae motor carrier to file a new bond in the same form and amount with surety satisfactory to the department, failing which the department shall forthwith cancel the license of the motor carrier. If a new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

3. If, upon a hearing of which the motor carrier shall be given ten days' notice in writing, the department decides that the amount of the existing bond is not sufficient to insure payment to this state of the amount of the tax, penalties and interest

for which the motor carrier is or may become liable, the motor carrier shall forthwith, upon written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the motor carrier.

4. Any surety on a bond furnished by a motor carrier shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the time upon which the surety has lodged with the department, a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue prior to the expiration of the sixty-day period. The department shall promptly upon receipt of the request, notify the motor carrier who furnished the bond, and unless the motor carrier shall before the expiration of the sixty-day period file with the department a new bond with surety satisfactory to the department in the amount and form herein before provided, the department shall forthwith cancel the license of the motor carrier. If the new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

Section 6.

1. If a motor carrier at any time files a false monthly return or fails or refuses to file a monthly return or to pay the full amount of the tax or violates any other provisions of this act without a showing that such failure was due to reasonable cause and not willful neglect, the Department of Revenue may cancel the license of the motor carrier and suspend its privilege of using gasoline on the public highways of this state.

2. Upon voluntary surrender of the license or upon receipt of a written request by a motor carrier, the department shall cancel its license effective sixty days from the date of the request, but no such license shall be canceled upon surrender or request unless the motor carrier has prior to the date of cancellation paid to the state all taxes, penalties, interest, and fines that are due or have accrued, and unless the motor carrier has surrendered to the department its license.

3. If upon investigation the department ascertains that any motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six months, the department may cancel such license by giving the motor carrier sixty days' notice of cancellation mailed to his last known address in which event the license shall be surrendered to the department.

4. Whenever a motor carrier ceases to engage in business as such within this state, it shall notify the department in writing within fifteen days after the discontinuance. All taxes that have accrued as a result of the motor carrier's operations, whether or not then due, shall become due and payable concurrently with such discontinuance. The motor carrier shall make a return and pay all such taxes and any interest and penalties thereon, and shall surrender to the department is license.

5. If the license of a motor carrier is canceled by the department as provided in this section and if the motor carrier has paid to this state all of the taxes, interest, and penalties due under this Act, the department shall cause the bond filed by the motor carrier to be canceled.

Section 7. 1. Every motor carrier shall maintain complete records on all purchases, uses, and other dispositions of gaoline. Such records, together with manifest of lading, invoices and other papers pertaining to gasoline consumption, shall be retained for a minimum period of two years; and if requested by the department shall be made available for examination by the Department of Revenue.

Section 8.

1. Every motor carrier shall file with the Department of Revenue on forms prescribed by the department a monthly tax return. The return shall be made under penalty of perjury and shall show with reference to all locations at which gasoline is used the following information: the number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline used and the number of gallons used in this state, the number of gallons purchased in this state and the total number of gallons purchased and used, the

vendor from whom purchased, the number of gallons on which credit is claimed, or such other information as the department may require. The motor carrier shall file the return on or before the last day of the next succeeding calendar month following the period to which it relates.

2. The monthly tax returns shall be accompanied by a remittance in full of the tax due.

Section 9. The tax imposed by subsection (1) of section 3 of this Act, except as otherwise provided herein, shall be determined as follows:

1. The total number of gallons of gasoline used during the taxable period in the motor carrier's operations on the public highways shall be multiplied by the proportion that its miles operated in Kentucky during such period bears to its total miles operated both within and without Kentucky during such period. The resulting figure shall be deemed the number of gallons of gasoline used during such period in its Kentucky operations;

2. The number of gallons used within Kentucky, determined as provided in section (1) of this section, shall be multiplied by seven cents;

3. Tax shall be paid on the amount determined under subsection (2) of this section, after allowance of the credits set forth in section 10 of this Act.

Section 10.

1. Every motor carrier subject to the tax imposed by subsection (1) and section 3 of this Act shall be entitled to a credit for each period equivalent to seven cents per gallon on gasoline purchased by such carirer during such period for use in its operations on public highways within and without this state, provided such gasoline was purchased in Kentucky during the same period and the tax imposed by KRS 138.220 has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such motor carrier claiming the credit herein allowed.

2. The department shall at the close of each quarterly period, ending September 30, December 31, March 31, and June

30, compute all credits granted by the department during such quarter, which credits shall be applied only to taxes due on any report filed within the succeeding quarter.

3. No tax shall be credited unless the applicant holds a currently valid credit permit and makes application as provided under section 12, subsection 1. The right to receive any credit under this section shall not be assignable except to the executor or administrator or to the trustee in bankruptcy or assignee in insolvency proceedings of such person entitled thereto.

Section 11.

1. A motor carrier who purchases gasoline in this state shall secure from the Department of Revenue a credit permit, which permit shall entitle such motor carrier to apply for credit under provisions of this Act.

2. Every motor carrier credit permit shall be valid until surrendered or canceled. The department may cancel any credit permit by giving 30 days' notice when the holder thereof does not apply for a credit during any six months interval unless the permit holder can show cause to the department why the permit should not be canceled, or after a notice of ten days may cancel for any other sufficient cause within the opinion of the department.

3. To secure a credit permit a motor carrier shall file with the department an application on forms furnished by the department setting forth such information incident to crediting the tax as the department may require.

Section 12.

1. In order for the holder of a gasoline credit permit to be entitled to the credit set forth in section 10 of this Act, he shall, on or before the last day of each month, make application to the department on forms and in the manner prescribed by the department for a credit for tax paid pursuant to KRS 138.220 on gasoline purchased in this state during the tax period. Such application for credit may be incorporated in the return. The department may require an applicant for a credit to supply with each application copies of receipts of all taxpaid purchases of

gasoline purchased within this state on such forms as the department may require. Each application shall show the total number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline purchased in this state and other states for use on public highways during the preceding month, the date and quantity of each purchase, the vendor from whom purchased, the number of gallons on which a credit is claimed, and such other information as the department may require. The application shall be made under oath.

2. Upon the refusal of the department to authorize a gasoline tax credit the applicant may, in the manner and subject to the conditions provided in subsection (1) of KRS 131.110, petition for a review thereof by the Kentucky Tax Commission and if the applicant be not satisfied with the decision of the Commission he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 13. 1. The Department of Revenue may at any time audit the books and records of each holder of a gasoline tax credit permit who has, at any time since the last audit was made, applied for a credit thereunder, and make such other investigations as its deems necessary to determine whether the credits applied for constitute proper claims.

2. Whenever, in the opinion of the department, the amount of credit for which application has been made by a nonresident credit permit holder is not sufficient to reasonably justify the probable expenses of making an audit, the department may require the nonresident credit permit holder to furnish such records as it deems necessary in order to determine whether or not the credits applied for constitute proper claims.

3. If gasoline taxes are erroneously credited, the department shall advise the payee by registered mail of the error. If the payee fails to reimburse the Commonwealth within fifteen days after receipt of the letter, action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount so erroneously credited plus a penalty of 20 per cent.

Section 14. 1. The returns required by Section 8 of this Act shall be accompanied by a certified or cashier's check payable to the State Treasurer for the amount of tax due for the preceding calendar month computed as provided in Section 9 of this Act, except that the department may waive this requirement and accept the check of a motor carrier if the said motor carrier is of sound financial condition and has established a good record of compliance with the requirements of this Act.

Section 15. If any motor carrier gasoline user neglects or refuses to make the return or pay the tax at the time provided in Section 8 of this Act, a penalty of 20 per cent of the tax and interest of 6 percent per annum from the due date of the tax on both the tax and the penalty shall be paid.

2. If any motor carrier subject to the penalty provided in subsection 1 of this section submits to the department in writing the reasons for failure to comply with this Act and if the department finds the reason sufficient evidence to justify modifying the penalty provided in subsection 1 of this section, it may modify the penalty enacted therein to 5 per cent of the amount of tax due and delinquent, provided the 5 per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the preceding twelve months.

3. If the penalty provided by this section is collected by proceedings in court, an additional penalty of 20 per cent shall be collected and distributed as authorized by KRS 134.400. Whenever any motor carrier neglects or refuses to make and file any return for any calendar month as required by Section 8 of this Act, or files an incorrect or fraudulent return, the department shall determine after an investigation the number of gallons of gasoline with respect to which the motor carrier has incurred liability under Sections 3 and 9 of this Act for any particular month and assess and collect the amount of tax and penalties due.

4. Any motor carrier who fails to make any return required under the provisions of this Act within the time allowed may be required to pay a penalty of $10 to be asssesed and collected in the manner provided for the assessment and collection of taxes, or may be proceeded against in a civil action in-

stigated by the department. In addition, such delinquent motor carrier may be compelled to make the required return.

5. In any action for the collection of gasoline use taxes and any peualties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the motor carrier to show that the assessment was incorrect or contrary to law.

Section 16. 1. It is unlawful for any person to:

(a) Fail to pay the tax imposed by this Act.

(b) Fail, neglect, or refuse to file any return required under this Act in the manner or within the time required.

(c) Make any false statement or conceal any material fact in any record, return, or affidavit provided for under this Act.

(d) Conduct any activities requiring a license or permit under the provisions of this Act without such license or permit or after such license or permit has been surrendered, canceled, or revoked.

(e) Assign or attempt to assign a license or permit issued under this Act.

(f) Violate any other provisions of this Act.

2. Any person violating any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for not less than 30 days nor more than six months or by both such fine and imprisonment.

3. The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provisions of this Act.

Section 17. 1. The Department of Revenue shall administer the provisions of this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

2. The Department of Revenue shall upon the request of the officials to whom are entrusted the enforcement of the gasoline tax law of any other state, the United States, or the provinces of the Dominion of Canada, forward to such officials any information which it shall have relative to the receipt, sale, use, transportation, shipment, or delivery by any person of gasoline provided such state or states makes provision in its law for the furnishing of like information to this state.

Section 18. This Act shall be fully operative and shall apply to motor carriers using gasoline on or after July 1, 1954.

With Committee Substitute attached thereto, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

Whereas, it has come to the attention of the members of the General Assembly that many motor carriers, both intrastate and interstate, are purchasing gasoline without Kentucky and using such gasoline on the highways of Kentucky without payment of the gasoline tax levied under KRS 138.220 on such gasoline used on Kentucky highways, it is hereby declared to be the legislative policy of this Act to secure the payment of seven cents per gallon on all gasoline used by motor carriers on highways in this state whenever such gasoline is not taxed pursuant to KRS 138.220.

Section 2. As used in sections 1 to 18 inclusive of this Act unless the context requires otherwise:

1. "Department" means Department of Revenue.

2. "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010 (3).

3. "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

4. "Public Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of maintenance repair or reconstruction.

5. "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer, or semi-trailer, of a gross weight of not less than 18,000 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this commodities not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the state of Kentucky.

6. "City Bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

7. "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

8. "Gasoline" means gasoline as defined in KRS 138.210 (4).

9. "Period" means a calendar month.

Section 3. 1. For each period every motor carrier shall pay a tax equivalent to 7 cents per gallon on the amount of gasoline used in its operations on the public highways of this state.

2. The tax levied under subsection (1) of this section shall be computed and paid as provided in section 9 of this Act.

3. Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for con-

struction, reconstruction, and maintenance of the rural and secondary highways of this state and for no other purpose.

Section 4. 1. A license shall be required of each motor carrier before it uses or continues to use gasoline on the public highways of this state.

2. Application for a license shall be made to the Department of Revenue on forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

3. Concurrently with the filing of an application for a license, the motor carrier shall file with the department a bond as required under section 5 of this Act. No license shall be issued to any motor carrier or continued in force unless such person has furnished a bond as provided in section 5 of this Act to secure payment of any and all gasoline use taxes, penalties and interest due.

4. The application for license in the proper form having been accepted for filing and bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the motor carrier a license; however, if an application for a license is filed by any motor carrier whose license has at any time previously been revoked by the department, or if the department is of the opinion that the person who makes the application is not the real party in interest, the license of which party has at any time prior to the filing of the application been revoked for cause or that the application is not for any reason filed in good faith, the department may after a hearing of which the applicant shall be given 10 days' notice in writing and at which he shall have the right to appear in person or by counsel, refuse to issue a license to that person.

5. All license to use gasoline on the public highways of this state shall be valid and remain in full force and effect, unless suspended or revoked for cause or otherwise canceled.

6. A license to use gasoline on the public highways of this

state shall not be assignable or transferrable and shall be valid only for the person in whose name it is issued.

7. Each holder of such license shall display such license number or other identification in the manner prescribed by the Department of Revenue.

8. The department shall keep and file all applications and bonds in an alphabetical index thereof.

Section 5. 1. Every motor carrier shall file with the Department of Revenue a bond in the minimum amount of $500 and in the maximum amount of not more than $10,000 on a form and in such amount and with surety as approved by the department. In the event that a bond is offered for approval which has been issued by a surety company, such company must be authorized to transact business within the state of Kentucky. The motor carrier shall be the principal obligor and the state shall be the obligee. The bond shall be conditioned upon the prompt filing of due returns and the payment by the motor carrier of all gasoline use taxes now or hereafter levied by this state, together with penalties and interest.

2. If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the motor carrier to file a new bond in the same form and amount with surety satisfactory to the department, failing which the department shall forthwith cancel the license of the motor carrier. If a new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

3. If, upon a hearing of which the motor carrier shall be given ten days' notice in writing, the department decides that the amount of the existing bond is not sufficient to insure payment to this state of the amount of the tax, penalties and interest for which the motor carrier is or may become liable, the motor carrier shall forthwith, upon written demand of the department, file an additional bond in the same manner and form

with surety thereon approved by the department in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the motor carrier.

4. Any surety on a bond furnished by a motor carrier shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the time upon which the surety has lodged with the department, a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue prior to the expiration of the sixty-day period. The department shall promptly upon receipt of the request, notify the motor carrier who furnished the bond, and unless the motor carrier shall before the expiration of the sixty-day period file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license of the motor carrier. If the new bond is furnished by the motor carrier as above provided, the department shall cause the bond for which the new bond is substituted to be canceled.

Section 6.

1. If a motor carrier at any time files a false monthly return or fails or refuses to file a monthly return or to pay the full amount of the tax or violates any other provisions of this Act without a showing that such failure was due to reasonable cause and not willful neglect, the Department of Revenue may cancel the license of the motor carrier and suspend its privilege of using gasoline on the public highways of this state.

2. Upon voluntary surrender of the license or upon receipt of a written request by a motor carrier, the department shall cancel its license effective sixty days from the date of the request, but no such license shall be canceled upon surrender or request unless the motor carrier has prior to the date of cancellation paid to the state all taxes, penalties, interest, and fines that are due or have accrued, and unless the motor carrier has surrendered to the department its license.

3. If upon investigation the department ascertains that any motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six months, the department may cancel such license by giving the motor carrier sixty days' notice of cancellation mailed to his last known address in which event the license shall be surrendered to the department.

4. Whenever a motor carrier ceases to engage in business as such within this state, it shall notify the department in writing within fifteen days after the discontinuance. All taxes that have accrued as a result of the motor carrier's operations, whether or not then due, shall become due and payable concurrently with such discontinuance. The motor carrier shall make a return and pay all such taxes and any interest and penalties thereon, and shall surrender to the department its license.

5. If the license of a motor carrier is canceled by the department as provided in this section and if the motor carrier has paid to this state all of the taxes, interest, and penalties due under this Act, the department shall cause the bond filed by the motor carrier to be canceled.

Section 7. 1. Every motor carrier shall maintain complete records on all purchases, uses, and other dispositions of gasoline. Such records, together with manifest of lading, invoices and other papers pertaining to gasoline consumption, shall be retained for a minimum period of two years; and if requested by the department shall be made available for examination by the Department of Revenue.

Section 8.

1. Every motor carrier shall file with the Department of Revenue on forms prescribed by the department a monthly tax return. The return shall be made under penalty of perjury and shall show with reference to all locations at which gasoline is used the following information: the number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline used and the number of gallons used in this state, the number of gallons purchased in this state and the total number of gallons pur-

chased and used, the vendor from whom purchased, the number of gallons on which credit is claimed, or such other information as the department may require. The motor carrier shall file the return on or before the last day of the next succeeding calendar month following the period to which it relates.

2. The monthly tax returns shall be accompanied by a remittance in full of the tax due.

Section 9. The tax imposed by subsection (1) of section 3 of this Act, except as otherwise provided herein, shall be determined as follows:

1. The total number of gallons of gasoline used during the taxable period in the motor carrier's operations on the public highways shall be multiplied by the proportion that its miles operated in Kentucky during such period bears to its total miles operated both within and without Kentucky during such period. The resulting figure shall be deemed the number of gallons of gasoline used during such period in its Kentucky operations;

2. The number of gallons used within Kentucky, determined as provided in section (1) of this section, shall be multiplied by seven cents;

3. Tax shall be paid on the amount determined under subsection (2) of this section, after allowance of the credits set forth in section 10 of this Act.

Section 10.

1. Every motor carrier subject to the tax imposed by subsection (1) of section 3 of this Act shall be entitled to a credit for each period equivalent to seven cents per gallon on gasoline purchased by such carrier during such period for use in its operations on public highways within and without this state, provided such gasoline was purchased in Kentucky during the same period and the tax imposed by KRS 138.220 has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such motor carrier claiming the credit herein allowed.

2. The department shall at the close of each quarterly period, ending September 30, December 31, March 31, and

June 30, compute all credits granted by the department during such quarter, which credits shall be applied only to taxes due on any report filed within the succeeding quarter.

Section 11.

1. In order for a motor carrier to be entitled to the credit set forth in section 10 of this Act, he shall, on or before the last day of each month, make application to the department on forms and in the manner prescribed by the department for a credit for tax paid pursuant to KRS 138.220 on gasoline purchased in this state during the tax period. Such application for credit may be incorporated in the return. The department may require an applicant for a credit to supply with each application copies of receipts of all taxpaid purchases of gasoline purchased within this state on such forms as the department may require. The application shall be made under oath.

2. Upon the refusal of the department to authorize a gasoline tax credit the applicant may, in the manner and subject to the conditions provided in subsection (1) of KRS 131.110, petition for a review thereof by the Kentucky Tax Commission and if the applicant be not satisfied with the decision of the Commission he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 12. 1. Whenever, in the opinion of the department, the amount of credit for which application has been made by a motor carrier is not sufficient to reasonably justify the probable expenses of making an audit, the department may require such motor carrier to furnish such records as it deems necessary in order to determine whether or not the credits applied for constitute proper claims.

3. If gasoline taxes are erroneously credited, the department shall advise the payee by registered mail of the error. If the payee fails to reimburse the Commonwealth within fifteen days after receipt of the letter, action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount so erroneously credited plus a penalty of 20 per cent.

Section 13. 1. The returns required by Section 8 of this Act

shall be accompanied by a certified or cashier's check payable to the State Treasurer for the amount of tax due for the preceding calendar month computed as provided in Section 9 of this Act, except that the department may waive this requirement and accept the check of a motor carrier if the said motor carrier is of sound financial condition and has established a good record of compliance with the requirements of this Act.

Section 14. If any motor carrier gasoline user neglects or refuses to make the return or pay the tax at the time provided in Section 8 of this Act, a penalty of 20 per cent of the tax and interest of 6 percent per annum from the due date of the tax on both the tax and the penalty shall be paid.

2. If any motor carrier subject to the penalty provided in subsection 1 of this section submits to the department in writing the reasons for failure to comply with this Act and if the department finds the reason sufficient evidence to justify modifying the penalty provided in subsection 1 of this section, it may modify the penalty enacted therein to 5 per cent of the amount of tax due and delinquent, provided the 5 per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the preceding twelve months.

3. If the penalty provided by this section is collected by proceedings in court, an additional penalty of 20 per cent shall be collected and distributed as authorized by KRS 134.400. Whenever any motor carrier neglects or refuses to make and file any return for any calendar month as required by Section 8 of this Act, or files an incorrect or fraudulent return, the department shall determine after an investigation the number of gallons of gasoline with respect to which the motor carrier has incurred liability under Sections 3 and 9 of this Act for any particular month and assess and collect the amount of tax and penalties due.

4. Any motor carrier who fails to make any return required under the provisions of this Act within the time allowed may be required to pay a penalty of $10 to be assessed and collected in the manner provided for the assessment and collection of taxes, or may be proceeded against in a civil action instigated

by the department. In addition, such delinquent motor carrier may be compelled to make the required return.

5. In any action for the collection of gasoline use taxes and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the motor carrier to show that the assessment was incorrect or contrary to law.

Section 15. 1. It is unlawful for any person to:

(a) Fail to pay the tax imposed by this Act.

(b) Fail, neglect, or refuse to file any return required under this Act in the manner or within the time required.

(c) Make any false statement or conceal any material fact in any record, return, or affidavit provided for under this Act.

(d) Conduct any activities requiring a license under the provisions of this Act without such license or after such license has been surrendered, canceled, or revoked.

(e) Assign or attempt to assign a license issued under this Act.

(f) Violate any other provisions of this Act.

2. Any person violating any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for not less than 30 days nor more than six months or by both such fine and imprisonment.

3. The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provisions of this Act.

Section 16. 1. The Department of Revenue shall administer the provisions of this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

2. The Department of Revenue shall upon the request

of the officials to whom are entrusted the enforcement of the gasoline tax law of any other state, the United States, or the provinces of the Dominion of Canada, forward to such officials any information which it shall have relative to the receipt, sale, use, transportation, shipment, or delivery by any person of gasoline provided such state or states makes provision in its law for the furnishing of like information to this state.

Section 18. This Act shall be fully operative and shall apply to motor carriers using gasoline on or after July 1, 1954.

Mr. Lowman moved that the Committee Substitute be adopted.

Said motion was agreed to.

Said Committee Substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Clarence J. Barnum	Owen Billington
Walter J. Bailey	Wallace Bartley	Leo A. Bleemel
John Rhea Banton	Charles E. Baumgardner, Sr.	J. Murray Blue
		J. C. Bradley

Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Magdinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs.. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House as follows viz:

H. B. No. 50. AN ACT authorizing and adding one additional judge to the circuit court for the 35th circuit court district; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said circuit court, and providing for the manner in which said court shall be held and the business therein conducted.

Ordered that the said bill be delivered to the enrolling clerk.

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 47. AN ACT relating to the Legislative Research Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 7.090 is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the majority and minority Floor Leaders of the Senate and House of Representatives. Any vacancy in the commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The Governor shall be ex officio Chairman of the commission, but may, for such periods as he may determine, designate the Lieutenant Governor as a member of the commission to act as Chairman in his place.

(2) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the Chairman may determine. Meetings of the commission shall be called by the Chairman on his own initiative, or at the written request of any three members of the commission. For

attending meetings between sessions, whether regular or special, of the General Assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses, and in addition thereto the same per diem as is provided per legislative day for legislators; provided, however, the Governor shall receive no compensation for his services as a member of the commission, but the Lieutenant Governor, when serving, shall receive the same pay and expenses as a member of the commission.

(3) The commission shall appoint a director who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by the commission. The director shall select such employes as may be necessary to effectuate the provisions of KRS 7.090 to 7.110. The commission acting through its agent the director shall have exclusive jurisdiction over the employment, classification and compensation of its employes. None of the provisions of KRS 42.110, 42.120, 42.130, and 64.640 shall be applicable to any appointees or employes of the commission.

(4) The commission shall have exclusive jurisdiction over the organization of the staff and may create such divisions as it deems necessary and proper. The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(5) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.

Section 2. KRS 7.100 is amended to read as follows:

It shall be the duty of the Legislative Research Commission to:

(1) Maintain in the State Capitol for the use and information of the General Assembly, a legislative reference room

and working library, collect, summarize and index information of a legislative and governmental nature relating to legislation and legislative policies and index all bills introduced in the General Assembly. Permanent office space for the Legislative Research Commission and for the director thereof and employes or subcommittees shall be provided on the third floor of the State Capitol. When the General Assembly is not in session, the commission shall have jurisdiction over the use of the House and Senate Chambers and, following completion of the renovation work on the Capitol begun in 1953, over the allocation of all rooms used by the General Assembly while in session. The commission may provide for such other office space as it may deem necessary.

(2) Make or cause to be made such investigations into statute law, legislation, governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and economical manner. In making such studies and investigations between the regular sessions of the General Assembly, the commission shall give priority to those subjects requested by the General Assembly.

(3) Afford to any member of the General Assembly or any committee of either house of the General Assembly such information and assistance as may be practicable in the preparation of bills, memorials, resolutions, amendments, alterations and changes thereto and revisions and substitutes thereof, proposed to be introduced into the General Assembly.

(4) The commission, at the close of each legislative session, shall assume custody of all furniture, equipment, records, materials and supplies, and printed copies of bills in the possession of the Clerks of the Senate and House. Immediately prior to the convening of the next session, the commission shall transfer all furniture, equipment, materials and supplies to the Clerks of the respective houses. The commission may, when the General Assembly is not in session, authorize the expenditure of funds appropriated to the General Assembly for the purchase, repair or maintenance of furniture, equipment, materials and supplies and contract for services needed by the General Assembly.

(5) The commission shall prepare and publish or contract for the preparation and publishing of a daily index and digest of the content of and legislative action on all measures introduced in the General Assembly.

Section 3. KRS 7.110 is amended to read as follows:

(1) The commission or any member thereof, or an employe duly authorized by the commission or the Chairman thereof, shall have access to all records of every agency, division or department of State government, and of any agency or institution, public or private, which has been the recipient of public funds. The commission or any member thereof, or any employe duly authorized by the commission or the Chairman thereof, may require information on oath of any person touching any matter which he is instructed to investigate, study or audit, and shall have the power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence of any matter under study. If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which the commission desires information pertaining to the studies in which it is engaged, the Franklin Circuit Court, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify therein. Every witness so subpoenaed under this section shall receive for his attendance the fee and mileage provided for witnesses in civil cases in Circuit Court, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the commission.

(2) All State agencies and institutions shall cooperate with the commission to effectuate the purposes of KRS 7.090 to 7.110 and shall submit copies of their annual or biennial reports to the commission.

(3) The commission shall encourage and arrange conferences with officials of other states and of other units of government; carry forward the participation of this State as a member of the Council of State Governments, both regionally and nationally, and formulate proposals for cooperation between this State and other States. The Legislative Research Commission

shall function as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Council of State Governments as it relates to Kentucky.

(4) The commission shall designate persons to represent Kentucky at the National Conference of Commissioners on Uniform State Laws. The commission shall report the findings and recommendations of the National Conference to the General Assembly. Any funds appropriated to the Commissioners on Uniform State Laws shall be paid out on vouchers approved by the director of the commission.

(5) The commission may establish such subcommittees and advisory citizens' committees as may be convenient or desired for the proper and efficient performance of its functions. Members of the General Assembly designated to serve on subcommittees shall receive the same travel allowances and compensation for attending meetings as commission members receive for attending meetings of the commission. The commission shall report its findings, either with or without recommendations, to the Governor of the Commonwealth, and to each member of the General Assembly at least 30 days prior to the convening of each regular session of the General Assembly.

Ordered that said bill be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 70. AN ACT relating to the Department of Military Affairs and the Active Miiltia of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 36.010 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Military Affairs shall have charge of and be responsible to the Governor for the proper functioning of the militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Veteran's Division

(2) Armories Division

(3) Active Militia Division

(4) National Guard Division

(5) Civil Defense Division

Section 2. Section 36.020 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, immediately on his induction into office, shall appoint an Adjutant General, who shall be not less than thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. The Adjutant General shall execute bond in the sum of ten thousand dollars.

Section 3. Section 36.040 of the Kentucky Revised Statutes shall be amended to read as follows:

The Adjutant General shall:

(1) Represent the Governor in all military matters pertaining to the Commonwealth of Kentucky;

(2) Be the executive head of the Department of Military Affairs and exercise all functions vested by law in the department;

(3) Be responsible to the Governor for the proper carrying into effect of all laws, rules and regulations of the United States and of this state affecting the militia and other military organizations established by law;

(4) Perform the duties prescribed for him by laws of the United States and regulations issued thereunder;

(5) Direct and supervise the chiefs of staff departments and supervise all troops and all departments, arms and branches of the Kentucky National Guard;

(6) Superintend the preparation of all returns and reports required by the United States from the state;

(7) Keep a register of all the officers of the Kentucky

National Guard, and make a written report to the Governor for the annual period ending on June 30 of each year of the operations and conditions of the Adjutant General's office, the State Arsenal and the National Guard;

(8) Establish and supervise the operations of the Division of Civil Defense;

(9) Cause to be prepared and issued all necessary blank books, forms and notices required to carry into full effect the provisions of KRS Chapters 36, 37 and 38;

(10) Attend to the safekeeping and repairing of the ordnance, arms, accouterments, equipment and all other military property belonging to the state or issued to it by the United States;

(11) Notify the Division of Purchases and Public Properties of all military property of the state which after inspection is found unsuitable for use of the state;

(12) Keep an account of:

(a) All expenses, including pay of officers and enlisted men, allowances to officers and organizations;

(b) Any other moneys required to be disbursed by him and through his office, including subsistence and transportation of the National Guard;

(c) All military property of the United States;

(13) Issue and make requisitions for military property under the direction of the Governor, but no military property shall be issued to persons or organizations other than those belonging to the National Guard, except to such portion of the Kentucky Active Militia as is called out by the Governor;

(14) Establish and maintain as a part of his office a bureau of war records in which all records pertaining to wars and relics shall be kept, and be custodian of all such records, relics, colors, standards and battle flags now the property of the state, or in its possession, or which the state may hereafter acquire;

(15) Organize units of the National Guard at places

designated by the Governor and have the members thereof mustered into service under regulations prescribed by the Governor;

(16) Issue all orders and directives for the proper functioning and utilization of the Kentucky National Guard.

Section 4. Section 36.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Armories Division shall provide adequate armories, buildings and grounds for the Kentucky National Guard for its purposes of drill, instruction and administration and for the safekeeping of public property of the state and the United States issued to or for the use of the Kentucky National Guard.

(2) The Armories Division may, either alone or in cooperation with counties, cities, private corporations, voluntary unincorporated associations or individuals, construct, or acquire by purchase, contract, lease, gift, donation, or by condemnation in the manner prescribed in KRS 416.120, armories, buildings or grounds suitable for drill, instruction and administration and the safekeeping of public property, and make additions and improvements in or to such armories and facilities. The division may, either alone or with the like cooperation of others, provide heat, light, water, telephone service and other costs of operation and maintenance, including insurance.

(3) The amounts to be spent for the construction, acquisition, maintenance and rental of armories shall be wholly within the discretion of the Adjutant General.

Section 5. Section 36.100 of the Kentucky Revised Statutes is repealed.

Section 6. Section 36.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor may appoint an Assistant Adjutant General who, at the time of his appointment, must be at least thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. The Governor shall order the Assistant Adjutant General placed upon active duty, and if the Assistant Adjutant General does not

already hold the commission of colonel of the Kentucky National Guard he shall be given temporary rank as colonel of the Kentucky National Guard and shall be so commissioned by the Governor. If the commission is only temporary, it shall automatically be vacated when the Adjutant General is relieved from duty or at the expiration of the term of the Governor.

(2) The office of Assistant Adjutant General shall not be incompatible with or serve to vacate the commission held by the officer appointed Assistant Adjutant General at the time of his appointment, nor shall it be incompatible with any office to which he may be promoted, nor interfere with or prevent his attending to the duties of the office held at the time or to which he may be thereafter promoted.

Section 7. Section 36.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Officers and enlisted men employed in the Adjutant General's office shall not be entitled to additional pay from the state for active state service, as defined in KRS 38.010(4), but shall be entitled, when serving under orders beyond the limits of the city of Frankfort, to actual expenses or seven dollars per diem for travel in the state and nine dollars per diem for travel without the state plus seven cents per mile for transportation when so provided in the order under which such duty is performed.

(2) Nothing in this section shall be construed to prevent such employes from receiving fifteen days annual military leave with pay.

Section 8. Section 36.180 of the Kentucky Revised Statutes is repealed.

Section 9. Section 37.270 of the Kentucky Revised Statutes is amended to read as follows:

Officers and enlisted men, when employed in active state service as defined in KRS 38.010(4), beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall

receive pay at the rates provided for in KRS 38.200 and in addition thereto actual and necessary cost of transportation, when transportation is not furnished in kind.

Section 10. Section 37.280 of the Kentucky Revised Statutes is amended to read as follows:

If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received when on duty or assembled therefor under competent authority or lawful order, which said injury shall directly result from such service, he shall be entitled to receive pay as set forth in KRS 38.200 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity from the date of receiving such injury. Where a claim is made under this section, the Adjutant General shall cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
William J. Marcum
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 74. AN ACT relating to the National Guard of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 38.010 of the Kentucky Revised Statutes is amended to read as follows:

Definitions as used in this chapter, unless the context requires otherwise, are as follows:

(1) "Kentucky National Guard" includes the Army National Guard and Air National Guard;

(2) "Active Army National Guard and Active Air National Guard" includes those organizations, officers and enlisted men of the Federally recognized Kentucky National Guard authorized to receive Federal pay, arms and equipment;

(3) "Inactive Army National Guard" and "Inactive Air National Guard" includes those organizations, officers and enlisted men of the Kentucky National Guard not entitled to receive Federal pay, arms and equipment;

(4) "Active State Service" is:

(a) The ordering by the Governor of any unit or units of the Kentucky National Guard to enforce the laws of the Commonwealth; resist an actual or threatened invasion or insurrec-

tion; quell a riot or other domestic disturbance; or preserve and protect the rights, lives, or property of citizens of the Commonwealth;

(b) Officers, warrant officers and enlisted men employed under orders of the Governor in making tours of inspection, mustering in or mustering out troops, making surveys of military property, sitting on courts-martial, summary courts, efficiency boards, courts of inquiry or boards of officers;

(c) The participation of any unit or units of the Kentucky National Guard in gunnery competition anywhere within or without the United States.

Section 2. Section 38.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky National Guard shall consist of the officers, warrant officers, enlisted men and units as prescribed in tables of organization of the Department of the Army for the Army National Guard, and the officers, warrant officers, enlisted men and units as prescribed in the tables of organization of the Department of the Air Force, Air National Guard and the Inactive Army and Inactive Air National Guard.

(2) The Governor may accept or reject any or all organizations allotted to Kentucky by the U. S. Department of Defense. He may recommend to the U. S. Department of Defense the type of organizations both Army and Air Force, which he considers to be best suited to the performance of Kentucky's internal defense and security missions.

Section 3. Section 38.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Governor may direct the commanding officer of the troops ordered into active state service to report to any circuit judge, county judge or mayor. The judge or mayor may direct the specific object to be accomplished, but the tactical direction

and disposition of the troops and methods used shall be left solely to the discretion of the troop commander.

Section 4. Section 38.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) All commissioned officers and warrant officers of the Kentucky National Guard shall be appointed by the Governor, upon the recommendation of the commanding officers of the organizations to which such officers are to be assigned for duty, and shall be appointed according to grade in the branch or corps of the service in which they are appointed. No officer or warrant officer shall be appointed until he shall have successfully passed such tests as to his physical, moral and professional fitness as are or shall be prescribed by Federal law for Federal recognition as an officer.

(2) All appointments as staff officers shall be of individuals with previous military experience. Appointment shall be held until the appointee reaches sixty years of age or is relieved by the Governor.

(3) The Governor may issue such regulations governing the appointment of commissioned officers and warrant officers in the Kentucky National Guard as may be necessary in order to conform to the requirements made by Congress for participation in Federal appropriations for the Kentucky National Guard.

(4) No officer or warrant officer shall retain the grade to which he may have been promoted unless, within a reasonable length of time, he obtains Federal recognition for such grade.

Section 5. Section 38.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) All able-bodied citizens of Kentucky, of good character, who can read and write the English language, who are between the ages of seventeen and thirty-five years with no prior service; between thirty-six and under thirty-eight with one year of service; thirty-eight and under forty-one with two years of serv-

ice and forty-one and under fifty-seven with two years plus the number of years applicant is over age forty, and who have passed the required physical examination and who are not ineligible for enlistment or re-enlistment in the Armed Forces of the United States, subject to current United States Armed Forces regulations covering enlistments and re-enlistments, may be enlisted or re-enlisted in the Kentucky National Guard for a term of not less than one or more than three years.

(2) No person dishonorably discharged or discharged without honor from the Armed Forces of the United States shall be eligible for enlistment in the Kentucky National Guard.

(3) Every person who enlists or re-enlists shall sign and make oath to an enlistment paper before an officer authorized to accept enlistments.

(4) Enlisted persons may be transferred to or from organizations, as provided by regulations approved by the Governor.

(5) By order of the Governor in case of emergency, enlistments in the Kentucky National Guard may be extended for one year.

Section 6. Section 38.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Inactive National Guard shall consist of the officers and men of the Kentucky National Guard not on the active list. In time of peace, officers and enlisted men of the Kentucky National Guard may be transferred at their own request to the Inactive National Guard. Upon the authorized disbandment or consolidation of organizations of the National Guard, all commissioned officers and enlisted men rendered surplus who are qualified for active service and have not been transferred to active units may be transferred to the Inactive National Guard. Officers and enlisted men of the Inactive National Guard may become members of the Active National Guard in time of peace where circumstances permit.

Section 7. Section 38.110 of the Kentucky Revised Statutes is amended to read as follows:

An officer of the Kentucky National Guard shall hold his commission so long as he is entitled to receive Federal pay and allowances unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court-martial or efficiency board legally convened for that purpose.

Section 8. Section 38.120 of the Kentucky Revised Statutes is amended to read as follows:

A commissioned officer tendering his resignation, if the Governor accepts it, shall receive an honorable discharge if he is not under arrest or to be returned to a military court for deficiency or delinquency. The Governor may not accept the resignation of an officer of the Kentucky National Guard who has been charged with an offense under the Kentucky Military Code of Justice which is tantamount to a felony under Kentucky criminal law.

Section 9. Section 38.130 of the Kentucky Revised Statutes is amended to read as follows:

The Governor may order any commissioned officer before an efficiency board consisting of three officers senior in rank to the officer whose fitness for service is under examination. The board shall have the powers of courts of inquiry and courts-martial and shall inquire into the moral character, capacity and general fitness for the service of the commissioned officer, and record and return the testimony taken and a record of the proceedings. If the findings of the board are unfavorable to the officer and are approved by the Governor, he shall be discharged from the service. No officer shall participate in the examination or decision of the board in any case in which the decision would affect his own grade or promotion. Failure to appear when ordered before a board constituted under this section shall be sufficient grounds for a finding of the board that the officer ordered to appear be discharged.

Section 10. Section 38.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) An enlisted man shall not be discharged before the expir-

ation of his term of service except by order of the Governor or by sentence of court-martial approved by the Governor. A soldier upon his discharge from service, shall be given a certificate of discharge or report of separation from service signed by his commanding officer.

(2) The types of discharges used shall be the same as those promulgated by the Chief of the National Guard Bureau.

Section 11. Section 38.170 of the Kentucky Revised Statutes is amended to read as follows:

Upon satisfactory proof of the loss of a discharge certificate or of its destruction the Adjutant General may cause to be issued to the person a certificate of service, showing the date of enlistment and discharge from the military service and character given on the original discharge certificate upon payment of a one dollar fee.

Section 12. Section 38.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission of any officer who absents himself without leave for three months shall be vacated, and he may be dropped from the rolls of the National Guard and dismissed from service and be subject to punishment under the Kentucky Code of Military Justice.

(2) When an enlisted man of the National Guard absents himself without leave and there is reason to believe that he does not intend to return, he may be dropped from the rolls.

Section 13. Section 38.200 of the Kentucky Revised Statutes is amended to read as follows:

Except when in the service of the United States, officers and enlisted men, when employed in active state service, beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

DAILY RATES OF PAY AND ALLOWANCES OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND ENLISTED MEMBERS OF THE KENTUCKY NATIONAL GUARD ON ACTIVE STATE SERVICE

GRADE TITLE	CUMULATIVE YEARS OF SERVICE																Flying pay (Crew member)
	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30	Qrtrs. with dpndts	Allowance without dpndts	Subsistence	
0-8 Major General	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	32.11	33.10	5.70	4.56	1.60	5.00
0-7 Brigadier General	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	26.68	27.66	28.65	5.70	4.56	1.60	5.00
0-6 Colonel	19.76	19.76	19.76	19.76	19.76	19.76	19.76	19.76	20.25	21.24	22.23	23.22	24.21	4.56	3.99	1.60	7.00
0-5 Lt. Colonel	15.81	15.81	15.81	15.81	15.81	15.81	16.30	16.80	17.29	18.28	19.27	20.25	20.25	4.56	3.42	1.60	6.00
0-4 Major	13.34	13.34	13.34	13.34	13.83	14.33	14.82	15.31	15.81	16.80	17.29	17.78	17.78	3.99	3.14	1.60	5.00
0-3 Captain	10.87	10.87	11.36	11.86	12.35	12.84	13.34	13.83	14.33	14.82	15.31	15.31	15.31	3.42	2.84	1.60	4.00
0-2 First Lieutenant	8.65	9.14	9.63	10.31	10.62	11.12	11.61	12.10	12.10	12.10	12.10	12.10	12.10	3.14	2.54	1.60	3.66
0-1 Second Lieutenant	7.41	7.90	8.40	8.89	9.39	9.88	10.37	10.87	10.87	10.87	10.87	10.87	10.87	2.85	2.28	1.60	3.33
W-4 Chief Warrant Officer	11.10	11.10	11.10	11.60	12.11	12.61	13.11	13.62	14.12	14.63	15.13	15.64	16.14	3.99	3.14	1.60	3.33
W-3 Chief Warrant Officer	10.09	10.09	10.09	10.34	10.59	10.84	11.10	11.35	11.60	12.11	12.61	13.11	13.62	3.42	2.85	1.60	3.33
W-2 Chief Warrant Officer	8.83	8.83	8.83	8.83	9.08	9.33	9.58	9.84	10.09	10.59	11.10	11.60	12.11	3.14	2.57	1.60	3.33
W-1 W. O. Junior Grade	7.31	7.31	7.31	7.57	7.82	8.07	8.32	8.57	8.83	9.33	9.84	10.34	10.34	2.85	2.28	1.60	3.33

GRADE TITLE	CUMULATIVE YEARS OF SERVICE													No	1	2	Over	
	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30	Dep.	Dep.	Deps.	2 Deps.	Flying Pay
E-7 Master Sergeant	6.88	6.88	7.13	7.39	7.64	7.90	8.15	8.41	8.66	9.17	9.68	10.19	10.19	1.71	2.54	2.54	3.23	2.50
E-6 Sgt. 1st Class	5.86	5.86	6.12	6.37	6.62	6.88	7.13	7.39	7.64	8.15	8.66	8.66	8.66	1.71	2.54	2.54	3.23	2.25
E-5 Sergeant	4.84	5.10	5.35	5.61	5.86	6.12	6.37	6.62	6.88	7.39	7.90	7.90	7.90	1.71	2.54	2.54	3.23	2.00
E-4 Corporal	4.08	4.33	4.59	4.84	5.10	5.35	5.61	5.86	6.12	6.62	6.62	6.62	6.62	1.71	2.54	2.54	3.23	1.75
E-3 PFC	3.31	3.57	3.82	4.08	4.33	4.59	4.84	5.10	5.10	5.10	5.10	5.10	5.10	1.71	1.71	2.54	3.23	1.50
E-2 Private	2.86	3.12	3.38	3.64	3.90	4.16	4.16	4.16	4.16	4.16	4.16	4.16	4.16	1.71	1.71	2.54	3.23	1.25
E-1 Pvt (over 4 Months)	2.77	3.03	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	3.29	1.71	1.71	2.54	3.23	1.00
E-1 Pvt (Under 4 Months)	2.60													1.71	1.71	2.54	3.23	1.00

and in addition thereto actual and necessary cost of transportation, when transportation is not furnished in kind.

Section 14. Section 38.220 of the Kentucky Revised Statutes is amended to read as follows:

For service and attendance upon boards appointed by the Governor, general courts-martial and courts of inquiry as a member, judge advocate, recorder or witness, or upon inspection or other duty ordered by the Governor, officers and enlisted men, when not engaged on duty for which pay is provided, shall receive the same pay and allowances as is provided for active state service.

Section 15. Section 38.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member of the National Guard who is incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefore under lawful authority, which injury or disease directly results from such service, shall be entitled to receive the pay provided by KRS 38.200 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity. Where a claim is made under this section, the Adjutant General shall, from time to time, designate medical officers to examine the claimant, and may direct the claimant to be removed to and treated in a designated hospital. If the claimant refuses to permit the examination, or to go to the hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit his right to any claim, pay or allowance under this section.

(2) If the death of any member of the National Guard results from an injury received or disease contracted when on duty or assembled therefor under lawful authority, the state shall pay his funeral expenses, but not to exceed two hundred and fifty dollars.

(3) The body of an officer or enlisted man who dies while in active state service, shall, under the direction of his commanding officer and at the expense of the state, be promptly prepared for burial, enclosed in a suitable casket, and returned to his late residence under a proper escort; but the cost to the state of the casket

and preparing the body for burial shall not exceed the sum of two hundred and fifty dollars.

(4) If any member of the National Guard, when on duty or assembled therefor under lawful authority, does any act in the discharge of his duty that causes him to be proceeded against by civil court action, the Attorney General shall represent him in the civil proceedings. If, under the same conditions, a member of the National Guard is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint legal counsel to represent him in the criminal proceedings. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor.

(5) All disbursements under this section, shall, upon proper certification be paid from the appropriation for the Department of Military Affairs.

Section 16. Section 38.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every unit of the Kentucky National Guard shall assemble for drill and instructions not less than forty-eight times each year, and shall participate in encampments, maneuvers or other exercises at least fifteen days in each year unless excused therefrom by the Governor. The number present in order to obtain credit for the drill, period of time and type of instruction shall be such as is prescribed by the Governor.

(2) All employes of the Commonwealth of Kentucky shall be entitled to fifteen days annual military leave with pay.

Section 17. Section 38.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Units allotted to the Kentucky National Guard by the U.S. Department of Defense and accepted by the Governor, shall be maintained by the state and furnished with adequate and suitable armory accommodations, ranges, and camp grounds.

(2) The state shall provide such arms, equipment, colors, camp and garrison equipage, books of instruction and of record

and other supplies as are necessary for the proper performance of the duties required by this chapter.

(3) Every commissioned officer shall provide himself, at his own expense, with uniforms and equipment to be worn by officers of his rank.

Section 18. Section 38.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Premises occupied by the Kentucky National Guard for military purposes shall be under the control of the commanding officer using them.

(2) All military property furnished for the use of the several organizations of the Kentucky National Guard shall be kept in the armory or storerooms of the command, except when in use for authorized military purposes.

Section 19. Section 38.310 of the Kentucky Revised Statutes is amended to read as follows:

No military property furnished by the United States, through the agency of the state, to any officer or soldier of the Kentucky National Guard shall be sold, bartered, exchanged, pledged, loaned or given away. No person, not a soldier or duly authorized officer of the state, who has possession of any military property so furnished, and which has been the subject of any such barter, exchange, pledge, loan or gift, shall have any right, title or interest therein, but the property may be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to the Adjutant General or other officer authorized to receive it. The possession of such military property by any person not a soldier or officer of the state shall be presumptive evidence of such a sale, barter, exchange, pledge, loan or gift.

Section 20. Section 38.420 of the Kentucky Revised Statutes is amended to read as follows:

Officers, warrant officers and enlisted men of the Kentucky National Guard shall, while on active state service have the same right to carry arms, and in the same manner as sheriffs and other peace officers.

Section 21. Section 38.430 of the Kentucky Revised Statutes is amended to read as follows:

Officers, warrant officers, and enlisted men of the Kentucky National Guard, while in active state service, going to or returning from any parade, encampment, drill or meeting they are required by proper authority to attend, shall, together with their vehicular conveyances, animals and military property in their custody, be allowed to pass free through toll gates and over all interstate and intrastate toll bridges and ferries if they are in uniform or present a written order signed by an officer of the Kentucky National Guard.

Section 22. Section 38.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No persons other than the Kentucky National Guard or Kentucky Active Militia shall associate together as an armed company or drill or parade with arms without permission from the Governor.

(2) Benevolent and social organizations may wear swords and students in educational institutions chartered under the laws of Kentucky, in which military science is part of the course of instruction, may drill and parade with arms in public under the supervision of their instructors.

Section 23. Section 38.450 of the Kentucky Revised Statutes is amended to read as follows:

No person shall wear any uniform, device, strap, knot or other insigna prescribed by law or general regulation as a designation of rank, grade or office in the Kentucky National Guard, except members of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, the National Guard of this or any other state, members of associations wholly composed of soldiers honorably discharged from the service of the United States or any state, and the faculty and students of educational institutions.

Section 24. Section 38.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall, either by himself or with another will-

fully deprive a member of the Kentucky National Guard or Kentucky Active Militia of his employment or prevent his being employed or in any way obstruct a member of the Kentucky National Guard or Kentucky Active Militia in the conduct of his trade, business or profession or by threats of violence prevent any person from enlisting in the Kentucky National Guard or Kentucky Active Militia.

(2) No association or corporation constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the Kentucky National Guard or Kentucky Active Militia because of his membership, eligibility for membership or right to retain membership in such organization.

Section 25. Section 38.470 of the Kentucky Revised Statutes is amended to read as follows:

When the Kentucky National Guard or Kentucky Active Militia is called into active state service by the Governor for any purpose, requiring the service of members thereof who are students in any institution of learning in the state, no teacher, professor, principal or president of the institution shall discriminate against any such student by reason of his absence, but shall credit him with all academic work accomplished to the date of his absence.

Section 26. Section 38.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Officers, warrant officers, and enlisted men of the Kentucky National Guard or Kentucky Active Militia ordered into active state service by the Governor shall not be liable, civilly or criminally, for any act done by them in pursuance of duty in such service.

(2) No officer, warrant officer, or enlisted man of the Kentucky National Guard or Kentucky Active Militia shall be arrested except in case of a felony while going to, remaining at, or returning from a place where he is ordered to attend for active state service.

Section 27. Section 38.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who makes a false oath as to any statement contained in the enlistment papers mentioned in subsection (3) of KRS 38.090 shall be fined not less than ten nor more than fifty dollars.

(2) Any civil officer who fails to execute process and sentences when required to do so under KRS 38.400 shall be fined not more than fifty dollars for each offense.

Any master, keeper, or other person in charge of a tollgate, toll bridge or ferry who willfully hinders or delays any member of the Kentucky National Guard or Kentucky Active Militia going to or returning from any parade, encampment, drill, or meeting which he is required by proper authority to attend, or who refuses free passage to any member, conveyance or other property in violation of KRS 38.430 shall be fined not more than fifty dollars for each offense.

(4) Any person who violates any of the provisions of KRS 38.440 shall be fined not less than ten nor more than one hundred dollars, or imprisoned in the county jail for not more than six months, or both.

(5) Any person who violates any of the provisions of KRS 38.450 shall be fined not less than ten nor more than one hundred dollars.

(6) Any person who violates any of the provisions of subsection (1) of KRS 38.460 or who aids in enforcing any provision prohibited by subsection (2) of KRS 38.460 shall be fined not less than one hundred or more than five hundred dollars or imprisoned in the county jail not less than six months, or both.

(7) Any person who trespasses upon property occupied by the Kentucky National Guard or Kentucky Active Militia contrary to the orders of the officer in charge of such property shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the county jail for six months, or both.

(8) Any witness who refuses to appear in answer to a subpoena, to answer questions before a military court or board is

guilty of contempt and may be fined not more than fifty dollars by such court or board.

Section 28. Sections 38.050, 38.060, 38.080, 38.150, 38.190, 38.260, 38.320, 38.330, 38.350, 38.360, 38.370, 38.380, 38.390 and 38.410 of the Kentucky Revised Statutes are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin

Carl D. Melton	Jack Raybourne, Jr.	E. H. Stumbo
Tom Mobley	Hobart Rayburn	C. Waitman Taylor
Robert K. Montgomery	L. M. Tipton Reed	Eulick Walsh
	Robert Reid	Will Tom Wathen
Walter R. Moorman	Russell Reynolds	W. W. Webster
Fred Morgan	Lloyd E. Rogers	William B. Wells
Eddie J. Morris	Joe Rouse	Warren D. Williams
Goebel W. Newsom, Jr.	William A. Routh	Mrs. Randolph Wilson
	Cecil C. Sanders	
Foster Ockerman	LeRoy Saylor	T. D. Winstead
Louis T. Peniston	W. R. Smith	Walker H. Wiseman
Edward D. Pollitte	Mrs. Thelma L. Stovall	Dr. Clyde D. Wooton
Paul T. Ratcliffe		–83

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 75. AN ACT relating to military law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "National Guard" means the Kentucky Army National Guard and the Kentucky Air National Guard;

(2) "Active Militia" means a volunteer defense unit other than the National Guard;

(3) "Officer" means a commissioned officer including a warrant officer;

(4) "Superior officer" means an officer superior in rank or command;

(5) "Enlisted person" means any person who is serving in an enlisted grade in any force of the National Guard or Active Militia;

(6) "Active state service" means full-time military duty in the active service of the state under an order of the Governor as defined in KRS 38.010 (4);

(7) "Military court" means a court-martial, a court of inquiry, a provost court, or a military commission;

(8) "Law officer" means an official of a general court-martial detailed in accordance with Section 26 of this Act;

(9) "Subject person" means person subject to this Act;

(10) "Code" means this Act.

Section 2. All persons belonging to the National Guard or Active Militia shall be subject to the provisions of this code.

Section 3. (1) Any person charged with having committed, while in a status in which he was subject to this code, an offense against this code for which the person cannot be tried in the courts of the state shall not be relieved from amenability to trial by courts-martial by reason of the termination of said status.

(2) All persons discharged from the National Guard or Active Militia subsequently charged with having fraudulently obtained said discharge shall be subject to trial by court-martial on said charge and, after apprehension, shall be subject to this code. Upon conviction of said charge they shall be subject to trial by court-martial for any offense under this code committed prior to the fraudulent discharge.

(3) Any person who has deserted from the National Guard or Active Militia shall not be relieved from amenability to the jurisdiction of this code by virtue of a separation from any subsequent period of service.

Section 4. (1) When any officer, dismissed by order of the Governor for absence without leave for a period of six months or more, makes a written application for trial by court-martial, setting forth under oath that he has been wrongfully dismissed, the

Governor, as soon as practicable, shall convene a general court-martial to try such officer on the charges on which he was dismissed. A court-martial so convened shall have jurisdiction to try the dismissed officer on such charges, and he shall be deemed to have waived the right to plead any statute of limitations applicable to the offense with which he is charged. The court-martial may, as part of its sentence, adjudge the affirmance of the dismissal, but if the court-martial acquits the accused or if the sentence adjudged, as finally approved or affirmed, does not include dismissal, the Adjutant General shall substitute for the dismissal ordered by the Governor a form of discharge authorized for administrative issuance.

(2) If the Governor fails to convene a general court-martial within six months from the presentation of an application for trial under this section, the Adjutant General shall substitute for the dismissal ordered by the Governor a form of discharge authorized for administrative issuance.

(3) Where a discharge is substituted for a dismissal under the authority of this section, the Governor alone may reappoint the officer to such commissioned rank and precedence as in the opinion of the Governor such former officer would have attained had he not been dismissed. The reappointment of such a former officer may be provided a position vacancy is available under applicable tables of organization. All time between the dismissal and such reappointment shall be considered as service for all purposes.

(4) When an officer is discharged from the National Guard or Active Militia by administrative action or is dropped from the rolls by order of the Governor, there shall not be a right to trial under this section.

Section 5. (1) This code shall be applicable in all places within the state. It shall also apply to all subject persons while serving without the state and while going to and returning from such service without the state in like manner and to the same extent as while such persons are serving within the state.

(2) Courts-martial and courts of inquiry may be convened and held in units of the National Guard or Active Militia while serving without the state with the same jurisdiction and

powers as if held within the state and offenses committed without the state may be tried and punished either without the state or within the state.

Section 6. (1) Apprehension is the taking into custody of a person.

(2) Any person authorized under regulations issued pursuant to this Act to apprehend subject persons, any marshal of a court-martial appointed pursuant to the provisions of this Act any peace officer as defined in KRS 61.310 and 446.010 may apprehend subject persons upon reasonable belief that an offense has been committed and that the person apprehended committed it.

(3) All officers, petty officers, and noncommissioned officers shall have authority to quell all quarrels, frays and disorders among subject persons and to apprehend such persons who take part in the same.

(4) Except as otherwise provided in this Act, no peace officer or marshal of a court-martial shall demand or require payment of any fee or charge of any nature for apprehending or placing in confinement any subject person.

Section 7. It shall be lawful for any civil officer having authority to apprehend offenders under the laws of the United States or of any state, district, territory or possession of the United States, summarily to apprehend a deserter from the National Guard or Active Militia and deliver him into the custody of the National Guard or Active Militia.

Section 8. (1) Arrest is the restraint of a person by an order not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(2) An enlisted person may be ordered apprehended or into arrest or confinement by any officer by an order, oral or written, delivered in person, or through other subject persons, or through any person authorized by this code to apprehend persons.

(3) An officer may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another officer. The authority to order such persons into arrest or confinement may not be delegated.

(4) No person shall be ordered into arrest or confinement except for probable cause.

(5) Nothing in this section shall be construed to limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Section 9. Any subject person charged with an offense under this code shall be ordered apprehended or into arrest or confinement, as circumstances may require. When any subject person is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused, and to try him or to dismiss the charges and release him.

Section 10. (1) Confinement and imprisonment other than in guard house, whether prior to, during or after trial by a military court, shall be executed in jails, penitentiaries or prisons designated by the Governor or by the Adjutant General for that purpose.

(2) No provost marshal, commander of a guard, warden, jailer or officer of any jail, penitentiary or prison, as designated in subsection (1), shall refuse to receive or keep any prisoner committed to his charge when the committing person furnishes a statement, signed by him, of the offense charged against the prisoner.

(3) Every provost marshal, commander of a guard, warden, jailer or officer, as set out in subsection (2), to whose charge a prisoner is committed shall, within twenty-four hours after such commitment or as soon as he is relieved from guard, report to the commanding officer of the prisoner the name of such prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

Section 11. Subject to the provisions of Section 55, no person, while being held for trial or the results of trial, shall be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during such period for infractions of discipline.

Section 12. (1) Under such regulations as may be issued pursuant to this Act, a subject person accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this Act is made to any civil authority of a person undergoing sentence of a court-martial, such delivery, if followed by conviction in a civil tribunal, shall be held to interrupt the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of the Adjutant General, be returned to military custody for the completion of the said court-martial sentence.

Section 13. (1) Under such regulations as may be issued pursuant to this Act, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his command:

1. Withholding of privileges for a period not to exceed two consecutive weeks;

2. Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks; or

3. If imposed by the Governor or Adjutant General, forfeiture of pay and allowances not exceeding seventy-five dollars.

(b) Upon other military personnel:

1. Withholding of privileges for a period not to exceed two consecutive weeks;

2. Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks;

3. Extra duties for a period not to exceed two consecutive weeks, and not to exceed two hours per day, holidays included; or

4. If imposed by an officer exercising special court-martial jurisdiction, forfeiture of pay and allowances not exceeding ten dollars.

(2) Under such regulations as may be issued pursuant to this Act, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers authorized to exercise such powers, and the applicability of this section to an accused on active service who demands trial by a court-martial.

(3) An officer in charge may, for minor offenses, impose on enlisted persons assigned to the unit of which he is in charge such of the punishments authorized to be imposed by commanding officers as may be specifically prescribed by regulations issued pursuant to this Act.

(4) A person punished under authority of this section who deems his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command, and superior authority, shall have power to suspend, set aside, or remit any part or amount of the punishment and to restore all rights, privileges, and property affected.

(5) The imposition and enforcement of disciplinary punishment under authority of this section for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(6) Whenever a punishment of forfeiture of pay and allowances is imposed as provided in this section, the forfeiture may apply to pay or allowances becoming due on or after the date such punishment is imposed and to any pay allowances accrued before such a date.

Section 14. There shall be three kinds of courts-martial in each of the forces of the National Guard and Active Militia, namely:

(1) General courts-martial, which shall consist of a law officer and any number of members not less than five;

(2) Special courts-martial, which shall consist of any number of members not less than three; and

(3) Summary courts-martial, which shall consist of one officer other than a warrant officer.

Section 15. The National Guard or Active Militia shall have court-martial jurisdiction over all subject persons.

Section 16. General courts-martial shall have jurisdiction to try subject persons for any offense for which may be punished by this code, and, in connection therewith, shall have the power to fix the following punishments:

(1) Confinement with hard labor for not exceeding two hundred days;

(2) Fines not exceeding two hundred dollars;

(3) Confinement with hard labor in lieu of fines imposed, not exceeding one day for each dollar of fine imposed;

(4) Forfeiture of pay and allowances, not exceeding two hundred dollars;

(5) Dishonorable discharge;

(6) Bad conduct discharge;

(7) Reprimand;

(8) Reduction of noncommissioned officers to the ranks; or

(9) A combination of any two or more of the punishments provided herein.

Section 17. (1) Special courts-martial shall have jurisdiction to try subject persons for any offense for which they may be punished by this code, and, in connection therewith, shall have the power to fix the following punishments:

(a) Confinement with hard labor for not exceeding one hundred days;

(b) Fines not exceeding one hundred dollars;

(c) Confinement with hard labor in lieu of fines imposed, not exceeding one day for each dollar of fine imposed;

(d) Forfeiture of pay and allowances, not exceeding one hundred dollars;

(e) Bad conduct discharge;

(f) Reprimand;

(g) Reduction of noncommissioned officers to the ranks; or

(h) A combination of any two or more of the punishments provided herein.

(2) A bad conduct discharge shall not be adjudged unless a complete record of the proceedings and testimony before the court has been made.

Section 18. (1) Summary courts-martial shall have jurisdiction to try subject persons, except officers, for any offense for which they may be punished by this code.

(2) No persons on active state service with respect to whom courts-martial have jurisdiction shall be brought to trial before a summary court-martial if he objects thereto, unless under the provisions of section 13 he has been permitted and has elected to refuse punishment under such section. Where objection to trial by summary court-martial is made by such an accused who has not been permitted to refuse punishment under section 13, trial shall be ordered by special or general court-martial, as may be appropriate.

(3) Summary courts-martial shall have the power to fix the following punishments in trials before them:

(a) Confinement with hard labor for not exceeding twenty-five days;

(b) Fines not exceeding twenty-five dollars;

(c) Confinement with hard labor in lieu of fines imposed, not exceeding one day for each dollar of fine imposed;

(d) Forfeiture of pay and allowances, not exceeding twenty-five dollars;

(e) Reprimand;

(f) Reduction of noncommissioned officers to the ranks; or

(g) A combination of any two or more of the punishments provided herein.

Section 19. The provisions of this code conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals, of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be tried by such military commissions, provost courts, or other military tribunals.

Section 20. General courts-martial may be convened by:

(1) The Governor;

(2) The Adjutant General;

(3) When empowered by the Governor, any other commanding officer in any force of the National Guard or Active Militia, who is not an accuser.

Section 21. (1) Special courts-martial may be convened by:

(a) Any person who may convene a general court-martial;

(b) The commanding officer of a garrison, fort, camp, station, air base or other place where members of a force of the National Guard or Active Militia are on duty;

(c) The commanding officer of a division, brigade, regiment, detached or separate battalion, wing, group, detached or separate squadron, or corresponding unit of the National Guard;

(d) The commanding officer of any separate or detached command or group of detached units of any of the forces of the National Guard or Active Militia placed under a single commander; or

(e) The commanding officer or officer in charge of any other command, when empowered by the Adjutant General.

(2) When any such officer is an accuser, the court shall be convened by superior competent authority, and may in any case be convened by such authority when deemed advisable by him.

Section 22. (1) Summary courts-martial may be convened by:

(a) Any person who may convene a general or special court-martial;

(b) The commanding officer of a detached or separate company or corresponding unit or other detachment of the National Guard or Active Militia;

(c) The commanding officer or officer in charge of any other command, when empowered by the Adjutant General.

(2) When but one officer is present with a command or detachment he shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him. Summary courts-martial may, however, be convened in any case by superior competent authority when deemed desirable by him.

Section 23. (1) Any officer of or on duty with the National Guard or Active Militia shall be eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

(2) Any warrant officer of or on duty with the National Guard or Active Militia shall be eligible to serve on general and special courts-martial for the trial of any person, other than an officer, who may lawfully be brought before such courts for trial.

(3) (a) Any enlisted person of the National Guard or Active Militia not a member of the same unit as the accused shall be eligible to serve on general and special courts-martial for the trial of any enlisted person who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, prior to the convening of such court, the accused personally has requested in writing that enlisted persons serve on it. After such a request, no enlisted person shall be tried by a general or special court-martial the membership of which does not include enlisted persons in a number comprising at least one-third of the total membership of the court, unless eligible enlisted persons cannot be obtained on account of physical conditions or military exigencies. Where such persons cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed

written statement, to be appended to the record, stating why they could not be obtained.

(b) For the purposes of this section, the word "unit" shall mean a duly organized body of the National Guard or Active Militia not larger than a company or a squadron.

(4) (a) When it can be avoided, no subject person shall be tried by a court-martial any member of which is junior to him in rank or grade.

(b) When convening a court-martial, the convening authority shall appoint as members thereof such persons as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No person shall be eligible to sit as a member of a general or special court-martial when he is the accuser, or a witness for the prosecution, or has acted as investigating officer or as counsel in the same case.

Section 24. (1) The authority convening a general court-martial shall appoint as law officer one who is a member of the bar of the highest court of a state. No person shall be eligible to act as law officer in a case when he is the accuser, or a witness for the prosecution, or has acted as investigating officer, or as counsel in the same case.

(2) The law officer shall not consult with the members of the court, other than on the form of the findings as provided in section 38, except in the presence of the accused, trial counsel, and defense counsel, nor shall he vote with the members of the court.

Section 25. (1) For each general and special court-martial the authority convening the court shall appoint a trial counsel and a defense counsel, together with such assistants as he deems necessary or appropriate. No person who has acted as investigating officer, law officer, or court member in any case shall act subsequently as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution shall act subsequently in the same case for the de-

fense, nor shall any person who has acted for the defense act subsequently in the same case for the prosecution.

(2) A person who is appointed as trial counsel or defense counsel of a general court-martial shall be a judge advocate of the National Guard or Active Militia or a person who is a member of the bar of the highest court of a state.

(3) In the case of a special court-martial:

(a) If the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel appointed by the convening authority shall be a person similarly qualified.

(b) If the trial counsel is a judge advocate, or a member of the bar of the highest court of a state, the defense counsel appointed by the convening authority shall be one of the foregoing.

Section 26. No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel or investigating officer in any case shall subsequently act as a staff judge advocate or legal officer to any reviewing authority upon the same case.

Section 27. Under such regulations as the Adjutant General may prescribe, the convening authority of a court-martial, military commission, or court of inquiry shall appoint qualified court reporters, who shall record the proceedings of and testimony taken before such court or commission. Under like regulations the convening authority of a court-martial, military commission, or court of inquiry may appoint an interpreter who shall interpret for the court or commission.

Section 28. (1) No member of a general or special court-martial shall be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

(2) Whenever a general court-martial is reduced below five members, the trial shall not proceed unless the convening authority appoints new members sufficient in number to provide not less than five members. When such new members have been sworn, the trial may proceed after the recorded testimony of

each witness previously examined has been read to the court in the presence of the law officer, the accused, and counsel.

(3) Whenever a special court-martial is reduced below three members, the trial shall not proceed unless the convening authority appoints new members sufficient in number to provide not less than three members. When such new members have been sworn, the trial shall proceed as if no evidence had previously been introduced, unless a verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel.

Section 29. (1) Charges and specifications shall be signed by a subject person under oath before a person authorized by this Act to administer oaths and shall state:

(a) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and

(b) That the same are true in fact to the best of his knowledge and belief.

(2) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.

Section 30. (1) No subject person shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(2) No subject person shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.

(3) No subject person shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

Section 31. (1) No charge or specification shall be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiries as to the truth of the matter set forth in the charges, form of charges, and the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him and of his right to be represented by counsel at such investigation. Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel be reasonably available, or by counsel appointed by the officer exercising general court-martial jurisdiction over the command. At such investigation full opportunity shall be given to the accused to cross-examine witness against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witness requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted prior to the time the accused is charged with the offense, and if the accused was present at such investigation and afforded the opportunities for representation, cross-examination, and presentation as prescribed in subdivision (2) of this section, no further investigation of that charge is necessary under this section unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf.

(4) The requirements of this section shall be binding on all persons administering this code, but failure to follow them in any case shall not divest a military court of jurisdiction.

Section 32. When a person is held for trial by general court-martial, the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction. If the same is not practicable, he shall report in writing to such officer the reasons for delay.

Section 33. (1) Before directing the trial of any charge by general court-martial, the convening authority shall refer it to the state judge advocate or his staff judge advocate, as may be appropriate, for consideration and advice. The convening authority shall not refer a charge to a general court-martial for trial unless he has found that the charge alleges an offense under this code and is warranted by evidence in the report of investigation.

(2) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

Section 34. The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of the charges upon him, or before a special court-martial within a period of three days subsequent to the service of the charges upon him.

Section 35. The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals shall be prescribed by the Governor by regulations issued pursuant to this Act which shall, so far as he deems practicable, apply the forms and modes of procedure, the principles of law and the rules of evidence gen-

erally recognized in the trial of cases in the courts-martial of the United States, but which shall not be contrary to or inconsistent with this code.

Section 36. No authority convening a court-martial, nor any other commanding officer, shall censure, reprimand, or admonish such court or any member, law officer, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No subject person shall attempt to coerce or, by unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

Section 37. (1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

(2) The accused shall have the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available, or by the defense counsel duly appointed pursuant to section 25. Should the accused have counsel of his own selection, the duly appointed defense counsel, and assistant defense counsel, if any, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court.

(3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he may deem appropriate.

(4) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel, or when he is qualified to be a trial counsel as required by section 25, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial

counsel of a special court-martial may perform any duty of the trial counsel.

(5) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel, or when he is qualified to be the defense as required by section 25, perform any duty which, by law, regulation, or the custom of the service, is placed upon counsel for the accused.

Section 38. Whenever a general or special court-martial is to deliberate or vote, only the members of the court shall be present. After a general court-martial has finally voted on the findings, the court may request the law officer and the reporter to appear before the court to put the findings in proper form, and such proceedings shall be on the record. All other proceedings, including any other consultation of the court with counsel or the law officer shall be made a part of the record and be in the presence of the accused, the defense counsel, the trial counsel, and, in general court-martial cases, the law officer.

Section 39. A court-martial may, for reasonable cause, grant a continuance to any party for such time and as often as may appear to be just.

Section 40. (1) Members of a general or special court-martial and the law officer of a general court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The court shall determine the relevancy and validity of challenges for cause, and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) Each accused and trial counsel shall be entitled to one peremptory challenge, but the law officer shall not be challenged except for cause.

Section 41. (1) The law officer, all interpreters, and, in general and special courts-martial, the members, the trial counsel, assistant trial counsel, the defense counsel, assistant defense counsel, and the reporter shall take an oath or affirmation in the presence of the accused to perform their duties faithfully.

(2) All witnesses before court-martial shall be examined on oath or affirmation.

Section 42. (1) A person charged with mutiny may be tried and punished at any time without limitation.

(2) Except as otherwise provided in this section, a person charged with desertion or absence without leave shall not be liable to be tried by court-martial if the offense was committed more than one year before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(3) Except as otherwise provided in this Act, a person charged with any offense shall not be liable to be tried by court-martial or punished under section 13, if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under section 13.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend him, or in the custody of civil authorities, shall be excluded in computing the period of limitation prescribed in this section.

Section 43. (1) No person shall, without his consent, be tried a second time by a military court of the state for the same offense.

(2) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

(3) A proceeding which, subsequent to the introduction of evidence but prior to a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused shall be a trial in the sense of this section.

Section 44. If an accused arraigned before a court-martial makes any irregular pleading, or, after a plea of guilty, sets up

matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record and the court shall proceed as though he had pleaded not guilty.

Section 45. The trial counsel, defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with regulations issued by the Governor pursuant to this Act. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and to any other state in which the court-martial may be sitting.

Section 46. (1) Every person not subject to this code who, after the following two provisions have been complied with, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which such person may have been duly subpoenaed to produce, shall be deemed guilty of an offense against the state.

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before any court-martial, military commission or court of inquiry, or before any military or civil officer designated to take a deposition to be read in evidence before such court-martial, commission or court of inquiry; and

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending a circuit court of the state.

(2) Any person guilty of an offense against the state under subsection (1) may be punished by the court-martial, military commission or court of inquiry which issued the subpoena or subpoena duces tecum in the same manner and to the same extent as is provided for such failure or refusal in actions or proceedings in the Court of Appeals of this state.

Section 47. A military court may punish for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or

disorder. Such punishment shall not exceed confinement for thirty days or a fine of one hundred dollars, or both.

Section 48. (1) At any time after charges have been signed as provided in section 29, any party may take written depositions. If a deposition is to be taken before charges are referred for trial, the trial authority may designate officers to represent the prosecution and the defense and may authorize such officers to take the deposition of any witness.

(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(3) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the state or by the laws of the place where the deposition is taken to administer oaths.

(4) A duly authenticated deposition taken upon reasonable notice to the other party, so far as otherwise admissible under the rules of evidence, may be read in evidence before any court-martial, military commission or in any proceeding before a court of inquiry, if it appears:

(a) That the witness resides or is beyond the state in which the court-martial, military commission or court of inquiry is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing;

(b) That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

(c) That the present whereabouts of the witness is unknown.

Section 49. (1) In any case not extending to the dismissal of an officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial or military commission if

the accused was a party before the court of inquiry and if the same issue was involved therein, or the accused consents to the introduction of such evidence.

(2) Such testimony may be read in evidence only by the defense in cases extending to the dismissal of an officer.

(3) Such testimony may also be read in evidence before a court of inquiry or a military board.

Section 50. (1) Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence, shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(2) The law officer of a general court-martial and the president of a special court-martial shall rule upon interlocutory questions, other than challenge, arising during the proceedings. Any such ruling made by the law officer of a general court-martial upon any interlocutory question other than a motion for a finding of not guilty, or the question of accused's sanity, shall be final and shall constitute the ruling of the court; but the law officer may change any such ruling at any time during the trial. Unless such ruling be final, if any member objects thereto, the court shall be cleared and closed and the question decided by a vote as provided in section 51, viva voce, beginning with the junior in rank.

(3) Before a vote is taken on the findings, the law officer of a general court-martial and the president of a special court-martial shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court as follows:

(a) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(b) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in favor of the accused and he shall be acquitted;

(c) That if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(d) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the state.

Section 51. (1) No person shall be convicted of any offense except by the concurrence of at least two-thirds of the members present at the time the vote is taken, and all sentences shall be determined in the same manner.

(2) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote. A tie vote on a challenge shall disqualify the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity shall be a determination against the accused. A tie vote on any other question shall be a determination in favor of the accused.

Section 52. Every court-martial shall announce its findings and sentence to the parties as soon as determined.

Section 53. (1) Each general court-martial shall keep a separate record of the proceedings of the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the law officer. In case the record cannot be authenticated by either the president or the law officer, by reason of the death, disability, or absence of such officer, it shall be signed by a member in lieu of him. If both the president and the law officer are unavailable for such reasons, the record shall be authenticated by two members.

(2) Each special and summary court-martial shall keep a separate record of the proceedings in each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations issued pursuant to this Act.

(3) As soon as authenticated, a copy of the record of the proceedings of each general and special court shall be given to the accused.

Section 54. (1) The punishment which a court-martial may direct for an offense shall not exceed the limits prescribed by this code.

(2) Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, shall not be adjudged by any court-martial or inflicted upon any subject person. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

Section 55. (1) Whenever a sentence of a court-martial, as lawfully adjudged and approved, includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date such sentence is approved by the convening authority and to any pay or allowances accrued before such date.

(2) Any period of confinement included in a sentence of a court-martial shall begin to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended shall be excluded in computing the service of the term of confinement.

(3) All other sentences of court-martial shall become effective on the date ordered executed.

Section 56. (1) Any sentence of confinement adjudged by a court-martial or other military court, whether or not such sentence includes discharge or dismissal, and whether or not such discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of the National Guard or Active Militia, or in any jail, penitentiary or prison designated for that purpose as prescribed in section 10 of this code; and persons so confined in such a jail, penitentiary or prison shall be subject to the same discipline and treatment as persons confined or committed to such jail, penitentiary or prison by the courts of the state or of any political subdivision thereof.

(2) The omission of the words "hard labor" in any sentence of a court-martial adjudging confinement shall not be construed as depriving the authority executing such sentence of the power to require hard labor as a part of the punishment.

(3) The jailers, officers and wardens of all jails, penitentiaries or prisons designated pursuant to section 10 of this code shall receive the bodies of persons ordered into confinement prior to trial and of persons committed to confinement by the process or mandate of a military court and shall confine them according to law, and no such jailer, officer or warden shall demand or require payment of any fee or charge of any nature for receiving or confining a person in such jail, penitentiary or prison.

Section 57. (1) No court-martial sentence involving a general officer or extending to the dismissal of an officer (other than a general officer) shall be executed until approved by the Governor. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him.

(2) No sentence which includes, unsuspended, a dishonorable or bad conduct discharge shall be executed until approved by an officer exercising general court-martial jurisdiction. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him.

(3) All other court-martial sentences, unless suspended, may be ordered executed by the convening authority when approved by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him.

Section 58. After every trial by court-martial, the record shall be forwarded to the convening authority, as reviewing authority, and action thereon may be taken by the officer who convened the court, an officer commanding for the time being, a successor in command, or by any officer exercising general court-martial jurisdiction.

Section 59. The convening authority shall refer the record of every general court-martial to the state judge advocate

or to his staff judge advocate or legal officer, as may be appropriate, who shall submit his written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

Section 60. (1) If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for consideration of the ruling and any further appropriate action.

(2) Where there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action. In no case, however, may the record be returned for the following:

(a) Reconsideration of a finding of not guilty of any specification, or a ruling which amounts to a finding of not guilty;

(b) Reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some section of this code; or

(c) Increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory.

Section 61. (1) If the convening authority disapproves the findings and sentence of a court-martial he may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing, in which case he shall state the reasons for disapproval. If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges.

(2) Every rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon such rehearing the accused

shall not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be imposed unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory.

Section 62. In acting on the findings and sentence of a court-martial, the convening authority shall approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he, in his discretion, determines should be approved. Unless otherwise indicated, approval of the sentence shall constitute approval of the findings and sentence.

Section 63. (1) When the convening authority is the Governor, his action on the review of any record of trial shall be final.

(2) In all other cases the following procedures shall apply:

(a) When the convening authority has taken final action in a general court-martial case, he shall forward the entire record, including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, to the state judge advocate for review.

(b) Where the sentence of a special court-martial as approved by the convening authority includes a bad conduct discharge, whether or not suspended, the record shall be forwarded to the officer exercising general court-martial jurisdiction over the command, to be reviewed in the same manner as a record of trial by general court-martial. If the sentence as approved by an officer exercising general court-martial jurisdiction includes a bad conduct discharge, whether or not suspended, the entire record including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, shall be forwarded to the state judge advocate for review.

(c) All other special and summary court-martial records shall be forwarded to the state judge advocate of the National Guard or Active Militia and shall be acted upon, transmitted

and disposed of as may be prescribed by regulations issued pursuant to this Act.

(3) The state judge advocate shall review the record of trial in every case forwarded to him for review as provided in this section. If the sentence, as approved, affects a general officer or extends to the dismissal of any officer, the state judge advocate shall submit his written opinion thereon to the Governor. If the final action of the court-martial in any case forwarded to the state judge advocate has resulted in an acquittal of all charges and specifications, the opinion of the state judge advocate shall be limited to questions of jurisdiction.

(4) In all cases reviewable by the state judge advocate which do not affect a general officer or extend to the dismissal of an officer, the state judge advocate shall take final action.

(5) In any case reviewable by the Governor where he is not the convening authority, and in any case reviewable by the state judge advocate, the Governor or the state judge advocate, as the case may be, shall have authority to:

(a) Act only with respect to the findings and sentence as approved by the convening authority;

(b) Affirm only such findings of guilty, and the sentence or such part or amount of the sentence as he finds correct in law and fact and determines on the basis of the entire record, should be approved;

(c) Weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses;

(d) Order a rehearing if he sets aside the findings and sentence, except where the setting aside is based on lack of sufficient evidence to support the findings;

(e) Order that the charges be dismissed if he sets aside the findings and sentence and does not order a rehearing.

(6) The state judge advocate shall, unless there is to be further action by the Governor, instruct the convening authority to take action in accordance with his decision on a review. If

he has ordered a rehearing but the convening authority finds a rehearing impracticable, he may dismiss the charges.

(7) The state judge advocate may constitute one or more boards of review each composed of not less than three officers of the National Guard or Active Militia each of whom shall be a member of the bar of this state, which boards shall review the record of any trial by court-martial referred to it by the state judge advocate. Such boards of review shall have the same authority and powers on the review of a record as the state judge advocate has under the provisions of this section.

Section 64. A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

Section 65. Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm so much of the finding as includes a lesser included offense.

Section 66. (1) Upon the final review of a sentence of a general court-martial and of a sentence to a bad conduct discharge, the accused shall have the right to be represented by counsel before the reviewing authority, the staff judge advocate or legal officer, as the case may be, and before the state judge advocate.

(2) Upon the request of an accused entitled to be so represented, the state judge advocate shall appoint a lawyer who is a member of the National Guard or Active Militia to represent the accused before the reviewing authority, the staff judge advocate, or legal officer, as the case may be, and before the state judge advocate, in the review of cases specified in subsection (1) herein.

(3) An accused entitled to be so represented may be represented before the reviewing authority, the staff judge advocate or legal officer, as the case may be, and before the state judge advocate, by civilian counsel, if provided by him.

Section 67. (1) Prior to the vacation of the suspension of a special court-martial sentence which, as approved, includes a bad conduct discharge, or of any general court-martial sentence,

the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. If he so desires the probationer shall be represented at such hearing either by counsel provided by him or by counsel provided for him at his request in the same manner as specified in section 66 of this code.

(2) The record of the hearing and the recommendations of the officer having special court-martial jurisdiction shall be forwarded for action to the officer exercising general court-martial jurisdiction over the probationer. If he vacates the suspension, the vacation shall be effective to execute any unexecuted portion of the sentence except a dismissal. The vacation of the suspension of a dismissal shall not be effective until approved by the Governor.

(3) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

Section 68. At any time within one year after approval by the convening authority of a court-martial sentence which extends to dismissal, dishonorable or bad conduct discharge, the accused may petition the Governor for a new trial on grounds of newly discovered evidence or fraud in the court-martial. The Governor shall act upon the petition.

Section 69. (1) The Governor may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures. The convening authority may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the Governor.

(2) The Governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

Section 70. (1) Under such regulations as may be prescribed pursuant to this Act, all rights, privileges, and property affected by an executed portion of a court-martial sentence which has been set aside or disapproved, except an executed

dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed portion is included in a sentence imposed upon the new trial or rehearing.

(2) Where a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial, the Adjutant General shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(3) Where a previously executed sentence of dismissal is not sustained on a new trial, the Adjutant General shall substitute therefor a form of discharge authorized for administrative issuance and the officer dismissed by such sentence may be reappointed by the Governor, only, to such commissioned rank and precedence as in the opinion of the Governor such former officer would have attained had he not been dismissed. The reappointment of such a former officer may be made provided a position vacancy is available under applicable tables of organization. All time between the dismissal and such reappointment shall be considered as service for all purposes.

Section 71. The proceedings, findings, and sentences of courts-martial as reviewed and approved, and all dismissals and discharges carried into execution pursuant to sentences by courts-martial following review and approval, shall be final and conclusive and orders publishing the proceedings of courts-martial and all action taken pursuant to such proceedings shall be binding upon all departments, courts, agencies, and officers of the state, subject only to action upon a petition for a new trial as provided in section 68.

Section 72. The state judge advocate or his assistants shall make frequent inspections in the field in supervision of the administration of military justice in the National Guard and Active Militia.

Section 73. Convening authorities, judge advocates and legal officers may communicate directly with one another in matters relating to the administration of military justice without going through regular channels of military communication.

Section 74. (1) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Governor for that purpose whether or not the persons involved have requested such an inquiry.

(2) A court of inquiry shall consist of three or more officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(3) Any subject person whose conduct is subject to inquiry shall be designated as a party. Any subject person or person employed in the Military Department of the Commonwealth of Kentucky who has a direct interest in the subject of inquiry shall have the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and shall have the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry in like manner as provided for in courts-martial.

(7) Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. In case the record cannot be authenticated by the president it shall be signed by a member in lieu of the president and in case the record cannot be authenticated by the counsel for the court it shall be signed by a member in lieu of the counsel.

Section 75. (1) The following officers of the National Guard and Active Militia shall have power to administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for such purposes before such officers:

(a) All judge advocates of the National Guard and Active Militia.

(b) All summary courts-martial.

(c) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(d) All staff judge advocates and acting or assistant staff judge advocates.

(e) All other persons designated by regulations issued pursuant to this Act.

(2) The following officers of the National Guard or Active Militia shall have power to administer oaths necessary in the performance of their duties, and affidavits may be taken for such purposes before such officers:

(a) The president, law officer, trial counsel, and assistant trial counsel for all general and special courts-martial.

(b) The president and the counsel for the court of any court of inquiry.

(c) All officers designated to take a deposition.

(d) All persons detailed to conduct an investigation.

(e) All other persons designated by regulations issued pursuant to this Act.

(3) The signature without seal of any person enumerated in subsections (1) and (2), together with the title of his office, shall be prima facie evidence of his authority.

Section 76. Sections 2, 3, 6 through 13, 23, 25, 30, 36, 37, 54, 76, 77, 78 and 87 through 113 of this code shall be carefully explained to every enlisted person at the time of his enlistment or induction into or when ordered to duty in or with any of the forces of the National Guard or Active Militia or

within six days thereafter. They shall be explained again after he has completed six months service, and again at the time he reenlists. A complete text of this code and of the regulations prescribed by the Governor thereunder shall, upon request, be made available to any member of the National Guard or Active Militia for his personal examination.

Section 77. Any member of the National Guard or Active Militia who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to any superior officer who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. That officer shall examine into said complaint and take proper measures for redressing the wrong complained of, and he shall, as soon as possible, transmit to the Adjutant General a true statement of such complaint with the proceedings had thereon.

Section 78. (1) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the National Guard or Active Militia he may, subject to such regulations as may be prescribed pursuant to this Act, convene a board to investigate the complaint. The board shall consist of from one to three officers and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and, in the amount approved by him, shall be charged against the pay of the offenders. The order of such commanding officer directing charges herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

(2) Where the offenders cannot be ascertained, but the organization or detachment to which they belong is known, the Adjutant General may direct that the amount of damages assessed and approved be paid to the injured parties from the

military fund of the unit of the National Guard or Active Militia to which such offenders belonged.

Section 79. (1) Summary courts-martial and the presidents of other courts-martial and of courts of inquiry may each appoint a marshal. Before entering upon his duties, each marshal shall execute a bond to the state in the penal sum of one thousand dollars, with sufficient sureties, to be approved by the president of the court or officer appointing him, for the faithful performance of his duties and the prompt payment of all moneys collected by him.

(2) Each marshal shall perform the usual duties of such marshals and shall execute any process, mandate or order issued by the appointing president, court or officer, and perform all acts and duties, by this Act imposed on or authorized to be performed by any peace officer as defined in KRS 61.310 and 446.010.

(3) A bond given as provided herein may be prosecuted for breach of the conditions thereof, in the name of the people, by the Attorney General or a judge advocate, and all moneys recovered shall be paid into the military fund for the benefit of any person injured by any wrongful act of such marshal. For the purposes of this Act all marshals shall be deemed peace officers as defined in KRS 61.310 and 446.010, and shall have all the powers and immunities of peace officers.

Section 80. (1) Military courts are empowered to issue all process and mandates necessary and proper to carry into full effect the powers vested in said courts. Such courts shall have power to issue subpoenas and subpoenas duces tecum and to enforce by attachment attendance of witnesses and production of books and records.

(2) Process and mandates may be issued by summary courts-martial, provost courts and the president of other military courts and may be directed to and may be executed by the marshals of the military court or any peace officer as defined in KRS 61.310 and KRS 446.010, and shall be in such form as may be prescribed by regulations issued pursuant to this Act.

(3) It shall be the duty of all officers to whom such process or mandate may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same. Except as otherwise specifically provided in this Act, no such officer shall demand or require payment of any fee or charge of any nature for receiving, executing or returning any such process or mandate or for any services in connection therewith.

Section 81. Fines may be paid to a military court or to an officer executing its process. The amount of any such fine may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due him, until the fine is liquidated. Any sum so deducted from any state pay or allowance shall be turned into the military court which imposed the fine and shall be paid over by the officer receiving the same in like manner as provided for other fines and moneys collected under a sentence of a summary court-martial. A fine or penalty imposed by a military court upon an officer or enlisted man shall be paid by the collecting officer, and within thirty days after collection, to the Treasurer of the Commonwealth of Kentucky, and it shall form a part of and be credited to the military fund of such organization or detachment. The Treasurer of the Commonwealth of Kentucky shall thereupon report the amount thereof, designating the organization or detachment to which it belongs, to the Adjutant General of the state.

Section 82. No action or proceeding shall be prosecuted or maintained against the convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court.

Section 83. The jurisdiction of the military courts and boards established by this Act shall be presumed and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.

Section 84. The Governor is authorized to delegate any authority vested in him under this code, and to provide for the subdelegation of any such authority.

Section 85. This Act shall be known and may be cited and referred to as the Kentucky Code of Military Justice.

Section 86. All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the effective date of this Act under any law embraced in or modified, changed or repealed by this Act may be prosecuted, punished and enforced, and action thereon may be completed, in the same manner and with the same effect as if this Act had not been passed.

Section 87. Any subject person who commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or causes an act to be done which if directly performed by him would be punishable by this code, is a principal offender.

Section 88. An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or of an offense necessarily included therein.

Section 89. (1) An act, done with specific intent to commit an offense under this code, amounting to more than mere preparation and tending but failing to effect its commission, is an attempt to commit that offense.

(2) Any subject person who attempts to commit any offense punishable by this code shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(3) Any subject person may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

Section 90. Any subject person who, in a judicial proceeding or course of justice, willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry is guilty of perjury.

Section 91. (1) Any member of the National Guard or Active Militia who is found guilty of any of the following conduct is guilty of desertion:

(a) Without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away therefrom permanently;

(b) Quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(c) Without being regularly separated from one of the forces of the National Guard or Active Militia enlists or accepts an appointment in the same or another one of the forces of the National Guard or Active Militia without fully disclosing the fact he has not been so regularly separated.

(2) Any officer of the National Guard or Active Militia who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

Section 92. (1) Any subject person, who, with intent to usurp or override lawful military authority, refuses, in concert with any other person or persons, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny.

(2) Any subject person, who, with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person or persons, revolt, violence, or other disturbance against such authority is guilty of sedition.

(3) Any subject person who fails to do his utmost to prevent and suppress an offense of mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior or commanding officer of an offense of mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

Section 93. (1) Any subject person who solicits or advises another or others to desert in violation of sections 91 and 113,

or mutiny in violation of sections 92 and 113, shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but if the offense solicited or advised is not committed or attempted, he shall be punished as a court-martial may direct.

Section 94. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

Section 95. Any warrant officer or enlisted person who is found guilty of any of the following offenses shall be punished as a court-martial may direct:

(1) Strikes or assaults a warrant officer, or noncommissioned officer while such officer is in the execution of his office.

(2) Willfully disobeys the lawful order of a warrant officer or noncommissioned officer.

(3) Treats with contempt or is disrespectful in language or deportment toward an officer, warrant officer or noncommissioned officer, while such officer is in the execution of his office.

Section 96. (1) All subject persons shall secure all public property in their possession, custody, or control.

(2) Any subject person who fails to carry out the duties prescribed in subsection (1); or who buys, sells, trades, or in any way deals in or disposes of public property, whereby he shall receive or expect any profit, benefit, or advantage to himself or another directly or indirectly connected with himself, shall be punished as a court-martial may direct.

Section 97. Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the National Guard and Active Militia of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Section 98. Any subject person who is found guilty of any of the following offenses shall be punished as a court-martial may direct:

(1) Knowingly receiving, comforting, or assisting an offender under this code in order to hinder or prevent his apprehension, trial, or punishment.

(2) Conspiring with any other person to commit an offense under this code and in which one or more of the conspirators does an act to affect the object of the conspiracy.

(3) Procuring his enlistment or appointment in the National Guard or Active Militia by knowingly false representations or deliberate concealment as to his qualifications for such enlistment or appointment and receiving pay or allowances thereunder.

(4) Procuring his separation from the National Guard or Active Militia by knowingly false representations or deliberate concealment as to eligibility for such separation.

(5) Effecting an enlistment or appointment in or a separation from the National Guard or Active Militia of any person who is known to him to be ineligible for such enlistment, appointment or separation because prohibited by law, regulation or order.

(6) Desertion or attempted desertion.

(7) Without proper authority, failing to go to his appointed place of duty at the time prescribed or, for any length of time, absenting himself from his unit, organization, or other place of duty at which he is required to be at the time prescribed.

(8) Negligently or intentionally missing the movement of an aircraft or unit with which he is required, in the course of duty, to move.

(9) Use of contemptuous words against the President of the United States, or the Governor or General Assembly of this Commonwealth.

(10) Behaving with disrespect toward his superior officer.

(11) Striking his superior officer or drawing or lifting up any weapon or offering any violence against him while he is in the execution of his office, or willfully disobeying a lawful command of his superior officer.

(12) Violation or failure to obey any lawful general order or regulation; or, with knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, failure to obey the same; or dereliction in the performance of his duties.

(13) Cruelty toward, or oppression or maltreatment of, any person subject to his orders.

(14) Mutiny, attempted mutiny, sedition, or failure to suppress or report a mutiny or sedition.

(15) Resisting apprehension, breaking arrest, or escaping from custody or confinement.

(16) Without proper authority, releasing any prisoner duly committed to his charge; or, through neglect or design, suffering any such prisoner to escape.

(17) Unlawfully apprehending, arresting or confining any person.

(18) Responsibility for unnecessary delay in disposition of any case of a person accused of an offense under this code; or knowingly and intentionally failing to enforce or comply with any provision of this code regulating the proceedings before, during or after the trial of an accused.

(19) Forcing a safeguard.

(20) With intent to deceive, and knowing same to be false, signing any false record, return, regulation, order, or other official document, or making any other false official statement.

(21) Willfully, recklessly or wongfully wasting, spoiling or otherwise damaging or destroying any property other than military property of the United States or of this state.

(22) Operating any vehicle while drunk, or in a reckless or wanton manner.

(23) Drunkenness on duty, drunkenness or sleeping upon his post, or leaving his post before he is regularly relieved.

(24) Fighting or promoting a duel, concernment or connivance in the fighting of a duel; or, with knowledge of a chal-

lenge sent or about to be sent, failing to report the fact promptly to the proper authority.

(25) Feigning illness, physical disability, mental lapse or derangement, or intentionally inflicting self-injury, for the purpose of avoiding work, duty or service.

(26) Causing or participating in any riot or other breach of peace.

(27) Use of provoking or reproachful words or gestures towards any other subject person.

(28) Perjury.

Section 99. Any subject person who, while on active state duty and without justification or excuse, unlawfully kills another human being under any of the following circumstances is guilty of murder:

(1) With a premeditated design to kill.

(2) With an intention to kill or to inflict great bodily harm.

(3) While engaged in an act which is inherently dangerous to others and in which a wanton disregard of human life is evinced.

(4) While engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson.

Section 100. (1) Any subject person who, while on active state duty and with an intent to kill or inflict great bodily harm, unlawfully kills another human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter.

(2) Any subject person who, while on active state duty and without an intent to kill or inflict great bodily harm, unlawfully kills another human being by culpable negligence, or while perpetrating or attempting to perpetrate an offense, other than that specified in section 106, directly affecting the person, is guilty of involuntary manslaughter.

Section 101. (1) Any subject person who, while on active state duty, commits an act of sexual intercourse with a female not his wife, by force and without her consent, is guilty of rape.

(2) Any subject person who, while on active state duty, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge.

(3) Penetration, however slight, is sufficient to complete the offenses prescribed in subsection (1) and (2).

Section 102. (1) Any subject person who wrongfully takes, obtains, or withholds, by any means whatever, from the possession of the true owner or of any other person any money, personal property, or article of value of any kind, with intent permanently to deprive or defraud another person of the use and benefit of such property or to appropriate the same to his own use or the use of any person other than the true owner, steals such property and is guilty of larceny.

(2) Any subject person guilty of the conduct set out in subsection (1), but with the intent temporarily to deprive or defraud another person of the use and benefit of such property or to appropriate the same to his own use or the use of any person other than the true owner is guilty of wrongful appropriation.

Section 103. Any subject person who, while on active state service and with intent to steal, takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or the person or property of a relative or member of his family or of anyone in his company at the time of the taking, is guilty of robbery.

Section 104. Any subject person who, with intent to defraud, falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or utters, offers, issues, or transfers such a writing, known by him to be so made or altered, is guilty of forgery.

Section 105. Any subject person who, while on active state duty and with intent to injure, disfigure, or disable, inflicts upon the person of another an injury which seriously disfigures his person by any mutilation thereof, destroys or disables any member or organ of his body, or seriously diminishes his physical vigor by the injury of any member or organ, is guilty of maiming.

Section 106. Any subject person who, while on active state duty, engages in unnatural carnal copulation with another person of the same or opposite sex, or with an animal, is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

Section 107. (1) Any subject person who, while on active state service, willfully and maliciously burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being, is guilty of aggravated arson.

(2) Any subject person who, while on active state service, willfully and maliciously burns or sets fire to the property of another, except as provided in subdivision (1), is guilty of simple arson.

Section 108. Any subject person who, while on active state service, communicates threats to another person with the intention thereby to obtain anything of value, or any acquittance, advantage, or immunity of any description, is guilty of extortion.

Section 109. (1) Any subject person who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault.

(2) Any subject person who commits an assault with a dangerous weapon or other means of force likely to produce death or grievous bodily harm, or commits an assault and intentionally inflicts grievous bodily harm with or without a weapon, is guilty of aggravated assault.

Section 110. Any subject person who, while on active state service and with intent to commit an offense punishable under sections 99, 100, 101, 103, 105, 106, 107, 109, inclusive, breaks

and enters, in the nighttime, the dwelling house of another, is guilty of burglary.

Section 111. Any subject person who, while on active state service, unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of housebreaking.

Section 112. Any subject person charged with any of the following offenses shall be turned over to the appropriate civil authorities of the United States or Commonwealth for trial and punishment:

(1) Knowing it to be false or fraudulent, makes any claim against the United States, the state or any officer thereof, or presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, the state or any officer thereof.

(2) For the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state or any officer thereof,

(a) Makes or uses any writing or other paper knowing the same to contain any false or fraudulent statements;

(b) Makes any oath to any fact or to any writing or other paper knowing such oath to be false; or

(c) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing the same to be forged or counterfeited.

(3) Having charge, possession, custody, or control of any money or other property of the United States, or the state, furnished or intended for the Armed Forces of the United States or the organized militia, knowingly delivers to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt.

(4) Being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the Armed Forces of the United States or the organized militia, makes or delivers to any person such writing without having full knowledge of the truth of the state-

ments therein contained and with intent to defraud the United States or the state.

Section 113. Any subject person charged with any of the offenses prescribed in sections 99 to 111, inclusive, shall be turned over to the appropriate civil authorities of the Commonwealth for trial and punishment.

Section 114. This Act shall become effective July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann

William J. Marcum	Jack Raybourne, Jr.	Eulick Walsh
George R. Martin	Hobart Rayburn	Will Tom Wathen
Carl D. Melton	L. M. Tipton Reed	W. W. Webster
Alton B. Mitchell	Robert Reid	Hicks Wells
Tom Mobley	Russell Reynolds	William B. Wells
Robert K. Montgomery	Lloyd E. Rogers	Warren D. Williams
	Joe Rouse	Mrs. Randolph Wilson
Walter R. Moorman	William A. Routh	T. D. Winstead
Fred Morgan	Cecil C. Sanders	Charles W. Wirsch
Eddie J. Morris	W. R. Smith	Walker H. Wiseman
Foster Ockerman	Mrs. Thelma L. Stovall	Paul E. Young
Louis T. Peniston	E. H. Stumbo	
Paul T. Ratcliffe		—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Burnley having vacated the chair, Mr. Brown assumed the chair as Speaker Pro Tem.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 72. AN ACT relating to the establishment of a Kentucky Council on Regional Education and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a Kentucky Council on Regional Education to consist of not more than nine members representing institutions of higher education, legislators, and other persons who are interested in the problems of higher education on the state or regional level. The members of the council shall be appointed by the Governor, who shall designate one member as chairman.

Section 2. The members of the council shall serve without pay but shall be reimbursed for their necessary traveling expenses and other necessary expenses while attending the meetings of the council.

Section 3. The council shall meet at such times as it may determine by resolution or upon call of the chairman, and the council may designate the place of meeting.

Section 4. A majority of the council constitutes a quorum for the transaction of business, and no business shall be transacted and no propositions carried unless a majority of the council so votes.

Section 5. The Kentucky Council on Regional Education shall:

(1) Be vested with the responsibility and authority to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits and privileges devolving upon the Commonwealth and its citizens pursuant to the regional compact approved by Senate Resolution No. 53 of the 1950 General Assembly, and to do all acts necessary or desirable to implement the provisions of this compact;

(2) Make available to the General Assembly and to the Governor information as to the opportunities and needs for providing within the Commonwealth a high quality and low cost college education to all persons eligible for and desirous of securing such education, and information relating to higher educational programs and resources available elsewhere in the region;

(3) Furnish liaison between the Commonwealth and the Southern Regional Education Board to inform the board of the higher educational needs, resources and programs which are in operation within the Commonwealth;

(4) Release pertinent information relative to the role of the Commonwealth in regional programs of higher education, opportunities which are available to eligible students on a regional basis, and studies being conducted to direct future regional action;

(5) Designate the secretary of the Kentucky Council on

Public Higher Education as ex officio member of and secretary to the Kentucky Council on Regional Education;

(6) Be vested with all power and authority now delegated, under Senate Resolution 62 of the 1950 General Assembly, to the Board of Trustees of the University of Kentucky.

Section 6. There is hereby appropriated out of the General Expenditure Fund to the Kentucky Council on Regional Education the sum of three thousand two hundred fifty dollars which sum shall be available during the balance of the 1953-1954 fiscal year and without lapse during the 1954-1955 and 1955-56 fiscal years, to pay the expenses involved in the work of the council. Disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisition by the secretary of the council.

Section 7. WHEREAS, it is deemed of extreme importance to the Commonwealth that its citizens so desiring be provided with the best higher education at the lowest possible cost, and whereas it is desirable that everything possible be done to implement the provisions of the regional compact to which the Commonwealth is a party, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Burnley moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—86

There voted in the negative—

William J. Marcum
—1

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 78. AN ACT relating to voting machines; authorizing the State Property and Buildings Commission to provide voting machines for any and all of the counties of the Commonwealth at the expense of said counties; authorizing payment therefor by said counties through the issuance of Revenue Bonds by the State Property and Buildings Commission; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commission" means the State Property and Buildings Commission, or, if said commission shall be abolished, the department, board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act shall be given by law;

(2) "Project", or the words, "Voting machine Project", mean a public project as defined in KRS Chapter 58;

(3) "Cost" means the cost of purchase of voting machines, the cost of freight and transportation, the cost of insurance on said voting machines, the cost of preparing, issuing, selling or exchanging revenue bonds as provided for in this Act, and shall further embrace and include all expenses, including legal fees, in connection therewith;

(4) "Bonds", or the words, "Voting machine revenue bonds," mean Commonwealth of Kentucky, State Property and Buildings Commission, voting machine revenue bonds.

Section 2. In order to facilitate the use of voting machines in this Commonwealth, to eliminate the antiquated manner in which elections are now conducted, and to provide a public project for this purpose; to provide a plan for the purchase and use of modern voting machines in all counties desiring to use or purchase same under the plan herein set out; and to provide a way for the counties to purchase said machines under a rent-purchase contract, so that they will be available for use while being paid for by said counties, the State Property and Buildings Commission is hereby authorized and empowered to purchase voting machines meeting all the specifications and requirements of KRS Chapter 125, for any counties which contract for same as provided for in this Act; and the commission is authorized to issue its revenue bonds payable solely from revenue to finance such project.

Section 3. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof, nor a pledge of the credit of the Commonwealth or of any political subdivision thereof; but such bonds shall be payable solely from funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that the Commonwealth shall not be obligated to pay the same, or the interest thereon, except from revenues of the project or projects for which they are issued; and that neither the credit nor the taxing power of the Commonwealth is pledged to the payment of the principal of, or the interest on, such bonds.

Section 4. The commission is hereby authorized and em-empowered: (1) To advertise for and receive proposals for the purchase of voting machines in sufficient number to supply the needs of all counties. The commission shall not purchase any voting machines for the use of any county until the county has contracted with said commission for the rental and purchase of said voting machines as provided for herein.

(2) All funds received by the commission under the terms of the rent-purchase contracts shall be placed in a sinking fund, and shall not be used for any purpose except to pay the cost of

the public project, and for the payment of the principal of and the interest on revenue bonds as provided for in this Act.

(3) To issue voting machine revenue bonds of the Commonwealth of Kentucky, payable solely from the revenues pledged for their payment. The revenue bonds issued by the commission can be issued, sold or exchanged as provided for in this Act, or as provided for in KRS Chapters 56 and 58. The commission is empowered to use any provision contained in the above-mentioned Chapters or in this Act, separately, or a combination thereof.

Section 5. (1) Any contract entered into between a county and the commission for the rent-purchase of voting machines shall contain a provision that after sufficient rental has been paid to defray all the costs of the project, and to pay the principal of and the interest upon revenue bonds as herein provided, the title to said voting machines shall be transferred to the county.

(2) Any such contract shall further provide that the yearly rental will be sufficient to pay all costs of the project, including the principal of and interest on revenue bonds, so that the entire cost shall be at the expense of the county.

Section 6. Whereas, it will require considerable time to acquire and place voting machines in the counties desiring to use same, and whereas, under other provisions of law, the intention to use said voting machines in precincts in said counties must be advertised for at least sixty days; and whereas, it is desirable that said voting machines be used in counties desiring the use of same for the primary election to be held in August of the year 1954, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams

Mrs. Randolph Wilson	Charles W. Wirsch	Dr. Clyde D. Wooton
T. D. Winstead	Walker H. Wiseman	Paul E. Young

–88

There voted in the negative–

Harold G. Helm –1

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Upon motion by Mr. Lowman, which was agreed to, the House took up for consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 115. AN ACT relating to the closing time of circuit court clerk's offices and amending section 61.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.160 of the Kentucky Revised Statutes is amended to read as follows:

Public offices in counties containing a city of the first, second or third class may close at 1 p.m. every Saturday. The office of circiut court clerk in any county may close at twelve o'clock noon every Saturday.

Mr. Young offered the following amendment and moved its adoption, viz:

Amendment No. 1–On page 1, section 1, line 4, By striking the words and figures "1 P M" and substituting the word "noon".

Said motion was agreed to.

Said amendment adopted.

Mr. Young offered the following amendment and moved its adoption, viz:

Amendment No. 2—On page 1, section 1, line 4 to 6, is hereby deleted and the following is substituted therefor: "second or third class may close at noon Saturday. The public offices in other counties may close at noon any one day of the week."

Said motion was agreed to.

Said amendment was adopted.

Mr. Young offered the following amendment and moved its adoption, viz:

Amendment No. 3—Title. The title is hereby deleted and the following is substituted therefor:

AN ACT relating to the closing time of public offices and amending Section 61.160 of the Kentucky Revised Statutes.

Said motion was agreed to.

Said amendment was adopted by voice vote.

Mr. Young moved the Previous Question.

Whereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Young moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Jennings H. Kearby
Edward D. Pollitte

—2

Resolved that the title thereof be as aforesaid.

Mr. Young moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 100. AN ACT relating to alcoholic beverages amending subsection (8) of Section 241.060 and Section 243.730 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (8) of section 241.060 of the Kentucky Revised Statutes is amended to read as follows:

(8) To make rules and regulations and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make K.R.S. 244.380 to 244.470 effective. Such rules and regulations shall not be effective unless licensees of the alcoholic beverage industry are given at least ten (10) days notice, along with a copy of the proposed rule or regulation and an opportunity to be heard in a public hearing before the adoption of the said rule or regulation. No rule or regulation adopted shall become effective until thirty (30) days after its adoption.

Section 2. Section 243.730 of the Kentucky Revised Statutes is hereby amended to read as follows:

Wholesalers or manufacturers of alcoholic beverages may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the department is satisfied that the wholesaler or manufacturer is keeping proper records and makes reports at the time and in the manner prescribed by the department.

Mr. Wathen moved that the Committee amendment attached thereto be adopted, viz:

Amendment No. 1—On page 2, section 2, line 3, by deleting lines 3 through 10 and substituting in lieu thereof the following:

(1) Wholesalers of distilled spirits and wine may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident to the reporting and remitting of these taxes. The deduction shall be authorized only if the department is satisfied that the wholesaler is keeping proper records and makes reports at the time and in the manner prescribed by the department.

(2) Brewers of Malt Beverages may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the department is satisfied that the Brewer is keeping proper records and makes reports at the time and in the manner prescribed by the department.

Said motion was agreed to.

Said amendment was adopted.

Mr. Wathen offered the following amendment and moved its adoption, viz:

Amendment No. 2—On page 1, section 1, by deleting all of lines 1 and 2 and substituting in lieu thereof the following:

Section 1. The Introductory phrase and subsection (8) of section 241.060 of the Kentucky Revised Statutes are amended to read as follows:

The board shall have the following functions, powers and duties:

Said motion was agreed to.

Said amendment was adopted.

Mr. Wathen offered the following amendment and moved its adoption, viz:

Amendment No. 3—On page 1, by deleting the title thereof and substituting in lieu thereof the following title:

AN ACT relating to alcoholic beverages.

Said motion was agreed to.

Said motion was adopted by voice vote.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
David Heskamp
Henry R. Heyburn
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William J. Marcum
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman

Fred Morgan	Hobart Rayburn	C. Waitman Taylor
Eddie J. Morris	Robert Reid	Eulick Walsh
Thomas J. Murphy	Lloyd E. Rogers	Will Tom Wathen
Goebel W. Newsom, Jr.	William A. Routh	Warren D. Williams
	Cecil C. Sanders	Charles W. Wirsch
Foster Ockerman	Mrs. Thelma L. Stovall	Walker H. Wiseman
Louis T. Peniston		Dr. Clyde D. Wooton
Edward D. Pollitte	E. H. Stumbo	Paul E. Young

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Those who voted in the negative were—

Owen Billington	Jennings H. Kearby	Carl D. Melton
J. Murray Blue	James W. Lambert	Paul T. Ratcliffe
Cassius M. Clay	George H. Lovelace	Jack Raybourne, Jr.
Albert Dempsey	Shelby McCallum	Russell Reynolds
C. Ruby Harralson	Caleb McFadden	Joe Rouse
Harold G. Helm	William C. Mann	LeRoy Saylor
Lon C. Hill	George R. Martin	W. R. Smith
Estill R. Hilton		

—22

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Majors moved that the Journal show that had he been present he would have voted aye on House Bills No. 73, No. 70, No. 74, No. 75, No. 78 and No. 115.

There being no objection, it was so ordered.

Mr. Lowman moved that the House recess for 45 minutes.

Said motion was agreed to.

Forty-five minutes having expired, the Speaker, Mr. Burnley, resumed the chair.

On motion of Mr. Wathen, House Resolution No. 12 with Committee Substitute passed by the Senate attached, was taken from the Clerk's desk, and concured in by voice vote.

Mr. Wathen moved the adoption of H. Res. No. 12 as amended.

Said motion was agreed to.

Said resolution, as amended, was adopted.

See Insert No. 5 of today's Journal for resolution as adopted and concurred in.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 84. AN ACT relating to Mechanics' and Materialmen's liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person engaged in the business of selling, repairing, or furnishing accessories, or supplies for any kind of equipment or machinery, including motors, shall have a lien on the equipment, machine, machinery, or motor, for the reasonable or agreed charges for repairs, work done, accessories, parts, and supplies furnished for the equipment, machine, machinery, or motor until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the equipment, machine, machinery or motor from the premises of the person performing labor, repairing, or furnishing accessories, parts or supplies therefor, if the lien shall be asserted within three months by filing in the office of the County Clerk a statement showing the amount and cost of materials furnished or labor performed on the equipmnt, machine, machinery, or motor. This statement shall be filed in the office of the County Court Clerk of the county in which the owner of the equipment, machine, machinery, or motor resides, unless such owner be a non-resident, in which event the lien statement shall be filed in the office of the County Court Clerk of the county in which such equipment, machine, machinery, or motor is at the time being kept or used.

The lien provided for in this Act shall attach regardless of whether or not the equipment, machine, machinery, motor, or

motors, are ever upon the premises of or in the possession of the person making the repairs, furnishing the parts, or the supplies for such repairs.

Section 2. The lien statement referred to in Section 1 of this Act shall be construed to mean a statement in writing in which is stated the amount due the claimant, with all just credits and set-offs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it and the name of the owner. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

The County Court Clerk shall endorse upon each statement the date of its filing, and shall make an abstract of the statement in a book to be kept by him for that purpose, properly endorsed and indexed, containing the date of filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the lien. The Clerk shall receive one dollar ($1) from the person filing the statement as full compensation, which shall be taxed and collected as other costs.

Section 3. The lien shall not take precedence over a mortgage or bona fide sale and delivery for value without notice, unless the person claiming the prior lien shall, before the recording of the mortgage, or before sale and delivery, file in the office of the Clerk of the County Court a statement showing that he has furnished or expects to furnish labor, or materials, or parts, or supplies, and the amount in full thereof. The lien shall not, as against the holder of a mortgage, or a purchaser for value, exceed the amount of the lien claimed, as set forth in the statement. The statement shall in all other respects be in the form hereinabove in this Act provided.

Section 4. Any equipment, machine, machinery, motor or motors remaining in the possession of a person who has made repairs, furnished parts, performed labor, or furnished accessories or supplies for the equipment, machine, machinery, motor, or motors, for more than thirty (30) days, may be sold to pay the charges. The proposed sale shall be advertised for at least three

times in three separate weeks before the sale is made, in some newspaper of general circulation in the city or county where the materials, etc., were furnished or the labor performed. The owner of the equipment, machine, machinery, motor or motors, shall be served with written notice of such proposed sale at least two weeks before the date of such sale. The notice may be in writing addressed to the owner at his last known address and sent by registered United States mail, postage prepaid. Such written notice may be served upon the owner in any other mode generally recognized by the laws and practice before courts in this state.

Mr. Ockerman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	Harold Edmonds
Walter J. Bailey	Harry M. Caudill	Addison L. Everett
John Rhea Banton	Cassius M. Clay	Herbert Fern
Clarence J. Barnum	Paul Cobb	Thomas P. Fitzpatrick
Wallace Bartley	William J. Conley	Cabell D. Francis
Charles E. Baumgardner, Sr.	R. Josh Cosby	W. L. Hadden
Owen Billington	Charles W. Craig	C. Ruby Harralson
Leo A. Bleemel	John L. Day	Harold G. Helm
J. Murray Blue	Albert Dempsey	David Heskamp
J. C. Bradley	C. E. Dowell	Henry R. Heyburn
Edward O. Bridgers	James A. Dressman, Jr.	Lon C. Hill
John Young Brown	O. O. Duncan	Estill R. Hilton
		Chester J. Holsclaw

Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Ralph E. McClanahan
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Joe Rouse
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—78

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 85. AN ACT relating to statutory liens; and amending Section 376.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the

state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city the person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor from the owner of the property improved. The lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.

Section II. Section 376.200 of the Kentucky Revised Statutes hereby is amended by repealing said section in its entirety and enacting in lieu thereof the following:

As used in Kentucky Revised Statutes 376.210 to 376.260 inclusive, unless the context requires otherwise:

(1) "Labor" shall include all work done by teams, trucks, machinery, and mechanical equipment, whether the owner furnishes a driver or operator or not, but it shall not include labor performed by any officer, superintendent or stockholder of any corporation even though he may perform manual labor on the public work;

(2) "Materials" shall include all materials of every kind or character used in the public improvement which shall remain as a part of the completed improvement, and all the materials substantially consumed or the value thereof substantially destroyed in making the public improvement, including explosives, gasoline, oil, grease, form lumber and other similar articles; and,

(3) "Supplies" shall include small tools and equipment reasonably necessary in performing the work required to be done, including picks, shovels, sledge hammers, axes, pulleys, wire cables, ropes, and other similar items costing not more than $50.00 per item, and tires and tubes furnished for use on vehicles engaged in the performance of the work. "Supplies" shall also include the cost of labor, materials and repair part supplied or furnished for keeping all machinery and equipment used in the performance of the work in good operating condition; and, shall include the agreed or reasonable rental price of equipment and machinery used in performing the work to be done.

Section III. The liens provided for in this Act shall be

asserted, filed and enforced pursuant to and in compliance with the provisions of sections 376.210 to 376.260 both inclusive of the Kentucky Revised Statutes.

Section IV. All acts and parts of acts in conflict herewith to the extent of such conflict hereby are repealed.

Mr. Ockerman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
John L. Day
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Ralph E. McClanahan
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Russell Reynolds
Joe Rouse
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall

C. Waitman Taylor	W. W. Webster	Warren D. Williams
Eulick Walsh	Hicks Wells	Walker H. Wiseman
Will Tom Wathen		–52

Those who voted in the negative were–

J. Murray Blue	Varna Holt	Paul T. Ratcliffe
John Young Brown	James W. Lambert	Jack Raybourne, Jr.
Charles W. Buchanan	Damon Majors	Robert Reid
	William C. Mann	LeRoy Saylor
Albert Dempsey	William J. Marcum	E. H. Stumbo
Cabell D. Francis	George R. Martin	William B. Wells
C. Ruby Harralson	Carl D. Melton	Paul E. Young
Harold G. Helm	Alton B. Mitchell	–22

Resolved that the title thereof be as aforesaid.

Mr. Ockerman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 77. AN ACT rleating to the expenses of election, and amending Section 118.450 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The printing and delivery of ballots and cards of instruction to voters shall, in city elections, be paid for by the city. In all other elections, the printing of the ballots and cards of instruction for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the county.

(2) The cost of all elections held in any county shall be

allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law.

(3) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to the Department of Finance. Upon receipt of such certification and upon being satisfied as to the correctness thereof, the Department of Finance shall issue its warrant upon the State Treasurer in favor of the county treasurer as follows:

(a) For seventy-five percent of the amount of such expenses but not exceeding, in any event, an amount equal to thirty-five dollars for each precinct in the county voting by the use of voting machines;

(b) For fifty percent of the amount of such expenses but not exceeding, in any event, an amount equal to twenty dollars for each precinct in the county not voting by the use of voting machines.

(4) All sums paid under subsection (3) of this section shall be in addition to any sum paid by the state for ballot paper in elections.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—79

Those who voted in the negative were—

Harold G. Helm
William C. Mann

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 88. AN ACT relating to the organization and powers of water districts, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) All or any part of an incorporated city may be included in the boundaries of any existing water district or water district being newly organized, provided the governing body of such city by resolution or ordinance gives, or has given, its consent.

(2) The commission may contract with any city which is not included in the boundaries of the district for the purpose of furnishing water or gas to the residents of such city and may contract with any city for the purpose of obtaining water or gas for the use of the district. The assignment to the commission or to the water district of any valid outstanding franchise for the distribution of water or natural, artificial, or mixed gas to the residents of any city shall constitute a contract with the city within the meaning of this section.

Section 2. Whereas, it is imperative that contracts be made immediately to prevent future shortages of water and gas throughout the Commonwealth, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—78

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Subsection 1) of Section 84.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the regular election every four years, beginning with 1895, the voters of the city shall elect a mayor, city treasurer, city attorney and assessor, each to hold office for four years and until his successor is elected and has qualified.

Section 2. Section 441.320 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class operating under the councilmanic form of government, the mayor may appoint a city jailer, who shall be not less than twenty-five years of age and a qualified voter in the city. He shall hold his office for a term of four years. He shall perform such duties as the general council prescribes by ordinance. His compensation for his duties shall be not less than fifteen hundred dollars nor more than twenty-five hundred dollars per annum. He may appoint a deputy, who shall perform such duties as the general counsel prescribes by ordinance, and whose compensation shall be not less than nine hundred dollars nor more than twelve hundred dollars per annum. All the property, machinery and equipment of the city jail shall be under the immediate control of the city jailer.

Mr. Mobley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor

Eulick Walsh	Warren D. Williams	Walker H. Wiseman
Will Tom Wathen	Mrs. Randolph Wilson	Dr. Clyde D. Wooton
Hicks Wells		Paul E. Young
William B. Wells	T. D. Winstead	—76

Resolved that the title thereof be as aforesaid.

Mr. Mobley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 87. AN ACT relating to deputy constables and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies.

(2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county court entered after filing of a written direction by the constable.

(3) Each deputy constable shall be compensated for his services by salary fixed by the fiscal court and paid out of the county levy.

Section 2. Whereas, if it is deemed necessary to authorize an increase in the compensation of deputy constables in counties

containing a first or second class city, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

With amendment thereto by way of Committee Substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies.

(2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county court entered after filing of a written direction by the constable.

(3) Each deputy constable in counties containing a city of the first class, shall be compensated for his services by salary fixed by the fiscal court and paid out of the county levy.

Section 2. Whereas, if it is deemed necessary to authorize an increase in the compensation of deputy constables in counties containing a first class city, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Lowman moved the adoption of the Committee Substitute in lieu of said original bill.

Said motion was agreed to.

Said Committee Substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	James A. Dressman, Jr.	Ralph E. McClanahan
Walter J. Bailey	Harold Edmonds	Caleb McFadden
John Rhea Banton	Herbert Fern	William E. Maglinger
Clarence J. Barnum	Thomas P. Fitzpatrick	Damon Majors
Wallace Bartley	Cabell D. Francis	William C. Mann
Charles E. Baumgardner, Sr.	W. L. Hadden	Robert K. Montgomery
Leo A. Bleemel	C. Ruby Harralson	Walter R. Moorman
J. Murray Blue	George F. Harris	Thomas J. Murphy
J. C. Bradley	Harold G. Helm	Goebel W. Newsom, Jr.
Edward O. Bridgers	David Heskamp	Foster Ockerman
John Young Brown	Henry R. Heyburn	Louis T. Peniston
Charles W. Buchanan	Lon C. Hill	Edward D. Pollitte
Harry M. Caudill	Chester J. Holsclaw	Paul T. Ratcliffe
Cassius M. Clay	William M. Horn	Jack Raybourne, Jr.
Paul Cobb	William L. Jones	Robert Reid
William J. Conley	Jennings H. Kearby	Russell Reynolds
John L. Day	Talmage Lacy	Lloyd E. Rogers
C. E. Dowell	James W. Lambert	
	Harry King Lowman	

Joe Rouse	E. H. Stumbo	Mrs. Randolph Wilson
William A. Routh	C. Waitman Taylor	T. D. Winstead
Cecil C. Sanders	Eulick Walsh	Walker H. Wiseman
LeRoy Saylor	Will Tom Wathen	Dr. Clyde D. Wooton
W. R. Smith	Warren D. Williams	Paul E. Young
Mrs. Thelma L. Stovall		

—70

Those who voted in the negative were—

R. Josh Cosby	William J. Marcum	George R. Martin
Albert Dempsey		

—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 61. AN ACT relating to compensation of court reporters in circuit courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 28.450 of the Kentucky Revised Statutes is amended to read as follows:

(2) For making original transcripts reporters shall receive thirty cents per hundred words. In civil actions involving less than twenty-five hundred dollars they shall receive ten dollars per day for taking stenographic notes of said actions and thirty cents per hundred words for the original transcript thereof, which shall be paid forthwith by the party in whose behalf the record or transcript is ordered, and same shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the court is held when the transcript is made upon the motion of the Common-

wealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of the party suing in forma pauperis, in which event the fee shall be paid by the county. In cases where the offense is a misdemeanor the party asking for the reporter's service shall pay for the same at the rate of ten dollars per day.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris

Thomas J. Murphy	Russell Reynolds	Eulick Walsh
Goebel W. Newsom, Jr.	Lloyd E. Rogers	Will Tom Wathen
Foster Ockerman	Joe Rouse	William B. Wells
Louis T. Peniston	William A. Routh	Warren D. Williams
Edward D. Pollitte	W. R. Smith	Mrs. Randolph Wilson
Paul T. Ratcliffe	Mrs. Thelma L. Stovall	Walker H. Wiseman
Jack Raybourne, Jr.	E. H. Stumbo	Dr. Clyde D. Wooton
Robert Reid	C. Waitman Taylor	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 86. AN ACT relating to meetings of board of commissioners in cities of the second, third and fourth classes having city manager form of government, and amending Section 89.550 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 89.550 of the Kentucky Revised Statutes is amended to read as follows:

The board of commissioners shall meet at least once a month for the transaction of business. It shall fix by ordinance the time of holding its regular meetings. A special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Ralph E. McClanahan
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—70

There voted in the negative—

Harold G. Helm

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 103. AN ACT relating to general indexing of real property records in counties containing second-class city, and amending subsection (3) of Section 382.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties having a courthouse district as provided in KRS 382.210, the fiscal court in each county containing a city of the second class may in its discretion direct the county clerk to have made in books prepared for that purpose general indexes of the records of all the real property in the county according to a system approved by the fiscal court. The county clerk shall advertise for bids for all the work necessary to install the system under specifications approved by the county judge and shall, with the approval of the fiscal court, enter into a contract with the lowest and best bidder for the work, after requiring him to give bond for the faithful performance of the contract in a sum to be fixed by the fiscal court and approved by the county judge, and when the work has been completed to its satisfaction, the fiscal court shall direct the payment agreed upon out of the general fund of the county.

(2) When general indexes are completed they shall constitute the official indexes and the clerk of the county shall keep the indexes up to date by indexing therein the records of all real property within one month from the time they are lodged for

record, and when so indexed the alphabetical cross-index of such instruments need no longer be preserved, and when such records or any part of them become defaced or injured the clerk shall transcribe the defaced or injured records into new books, which shall be as valid in law as the original record.

(3) In order that such additional indexes may be kept correctly and accurately, the county clerk may employ a competent person to keep the system of indexing and such person shall be paid a sum not less than $3,500 nor more than $4,500 per annum, out of the fees collected by the county clerk.

Mr. Fitzpatrick offered the following amendment and moved its adoption, viz:

Amendment—On page 2, section 3, line 30, by striking the words "a sum not less than $3,500 nor more than $4,500.00 per annum.

Said motion was agreed to.

Said amendment was adopted.

Mr. Fitzpatrick moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward O. Bridgers
Walter J. Bailey	Leo A. Bleemel	Cassius M. Clay
Clarence J. Barnum	J. Murray Blue	Paul Cobb
Wallace Bartley	J. C. Bradley	William J. Conley
		R. Josh Cosby

John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Harry King Lowman
Ralph E. McClanahan
Damon Majors
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Robert Reid
Lloyd E. Rogers
Joe Rouse
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
Will Tom Wathen
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—57

Those who voted in the negative were—

John Young Brown
Charles W. Buchanan
Henry R. Heyburn
William C. Mann
William J. Marcum
LeRoy Saylor
Dr. Clyde D. Wooton
—7

Resolved that the title thereof be as aforesaid.

Mr. Fitzpatrick moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 17. AN ACT relating to the sales of Realty of infants and persons of unsound mind.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 389.010 (10) is amended to read as follows:

(10) The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the circuit court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book. *Provided, that if the circuit court upon examination of a certified copy of the bond executed in the county court of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine, in its discretion, that said bond is adequate and sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the Order Book that it has personally examined the certified copy of the bond executed in the county court, and found it adequate and sufficient and that no additional bond shall be required in that circiut court. The copy of the bond shall be certified as a true and correct copy of the bond by the Clerk of the County Court in which it was executed.*

Sec. 2. Section 389.010 (15) of the Kentucky Revised Statutes is amended to read as follows:

(15) If the chancelor shall deem the sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book. Provided if the share of the infant in the proceeds does not exceed one hundred dollars, exclusive of interest, no bond shall be required of the guardian.

Provided further, that if the circuit court upon examination of a certified copy of the bond executed in the county of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine in its discretion that said bond is adequate or sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the Clerk of the County Court in which it was executed. This proceeding shall be tried and judgment rendered in accordance with the Rules of Civil Procedure.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	J. C. Bradley
Walter J. Bailey	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
John Rhea Banton	Leo A. Bleemel	Edward O. Bridgers
Clarence J. Barnum	J. Murray Blue	John Young Brown

Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
Will Tom Wathen
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—75

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Moorman moved that when the House adjourn, it adjourn to meet again Monday, February 8, 1954, at 8:00 o'clock P. M.

Mr. Dressman and Mr. Harris having requested roll call, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	W. L. Hadden	Foster Ockerman
Walter J. Bailey	David Heskamp	Louis T. Peniston
John Rhea Banton	Lon C. Hill	Edward D. Pollitte
Clarence J. Barnum	William M. Horn	Jack Raybourne, Jr.
Leo A. Bleemel	Jennings H. Kearby	L. M. Tipton Reed
J. Murray Blue	Damon Majors	Robert Reid
J. C. Bradley	William J. Marcum	Lloyd E. Rogers
John Young Brown	George R. Martin	Joe Rouse
Paul Cobb	Carl D. Melton	Cecil C. Sanders
John L. Day	Robert K. Montgomery	W. R. Smith
C. E. Dowell	Walter R. Moorman	E. H. Stumbo
Harold Edmonds	Eddie J. Morris	Hicks Wells
Thomas P. Fitzpatrick	Thomas J. Murphy	Walker H. Wiseman
Cabell D. Francis	Goebel W. Newsom, Jr.	Dr. Clyde D. Wooton
		Paul E. Young
		—43

Those who voted in the negative were—

Wallace Bartley	Albert Dempsey	Caleb McFadden
Charles E. Baumgardner, Sr.	Herbert Fern	William C. Mann
Owen Billington	C. Ruby Harralson	Russell Reynolds
Edward T. Breathitt, Jr.	George F. Harris	William A. Routh
Edward O. Bridgers	Harold G. Helm	LeRoy Saylor
Charles W. Buchanan	Henry R. Heyburn	Mrs. Thelma L. Stovall
Harry M. Caudill	William L. Jones	Eulick Walsh
Cassius M. Clay	Talmage Lacy	Warren D. Williams
William J. Conley	James W. Lambert	Mrs. Randolph Wilson
R. Josh Cosby	Shelby McCallum	
	Ralph E. McClanahan	
		—30

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 22. AN ACT changing the classification of the City of Fort Wright, in Kenton County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Fort Wright, in Kenton County, is such as to justify its being assigned to the fifth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Fort Wight, in Kenton County, is changed from the sixth class to the fifth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Charles W. Buchanan
Clarence J. Barnum	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Cassius M. Clay
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Paul Cobb
Owen Billington	Edward O. Bridgers	William J. Conley
	John Young Brown	R. Josh Cosby

John L. Day	Talmage Lacy	Robert Reid
C. E. Dowell	Harry King Lowman	Russell Reynolds
James A. Dressman, Jr.	Ralph E. McClanahan	Lloyd E. Rogers
Harold Edmonds	Damon Majors	Joe Rouse
Herbert Fern	William C. Mann	William A. Routh
Thomas P. Fitzpatrick	Carl D. Melton	Cecil C. Sanders
Cabell D. Francis	Robert K. Montgomery	LeRoy Saylor
W. L. Hadden	Eddie J. Morris	W. R. Smith
C. Ruby Harralson	Thomas J. Murphy	Mrs. Thelma L. Stovall
George F. Harris	Goebel W. Newsom, Jr.	E. H. Stumbo
Harold G. Helm	Foster Ockerman	Eulick Walsh
David Heskamp	Louis T. Peniston	Will Tom Wathen
Henry R. Heyburn	Edward D. Pollitte	Hicks Wells
Chester J. Holsclaw	Paul T. Ratcliffe	T. D. Winstead
William M. Horn	Jack Raybourne, Jr.	Walker H. Wiseman
William L. Jones		Paul E. Young

—64

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

INTRODUCTION OF BILLS

Mr. Lowman moved that the rules of the House be suspended for the purpose of introduction of bills.

Said motion was agreed to.

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Sanders, Mr. Helm, Mr. Francis, Mr. Wiseman, Mrs. Wilson, Mr. Montgomery and Mr. Cosby.

H. B. No. 224. AN ACT relating to construction of pipelines.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In the construction of any pipeline over, under and across any land in Kentucky, whether the right of way therefor is obtained by contract or by condemnation, unless specifically waived or reserved, top soil from the construction area shall be first removed and stock piled, and, further, in back-filling the ditch the top soil shall be restored to the place from which removed in the construction area.

Section 2. In the construction of any pipeline over, under and across any land in Kentucky, whether the right of way therefor is obtained by contract or by condemnation, unless specifically waived or reserved, rock excavation shall not be scattered over the construction area but shall be either restored to the construction area below plow depth or removed from the construction area.

Section 3. In the construction of any pipeline over, under and across any land in Kentucky, whether the right of way therefor is obtained by contract or by condemnation, unless specifically waived or reserved, every reasonable effort shall be made to handle top soil, rock, clay and minerals, and to compact back-fill so that after construction the construction area shall support vegetation as well as prior to the construction.

Section 4. Any violation of any provision of this Act shall be deemed to constitute waste and any landowner injured or damaged thereby shall have the right to maintain a civil action for waste against the person or corporation violating a provision of this Act with resultant injury or damage to the landowner, and such an action may be maintained against any such person or corporation including specifically, but without limitation, the person or corporation owning the right of way and the person or corporation employed to construct the pipeline, and the measure of damage shall be the reasonable cost of restoration, which amount shall not be limited to the difference in market value before and after construction.

By Mr. Banton.

H. B. No. 225. AN ACT relating to the Rights of em-

ployees. This Act shall be known as the Kentucky Right to Work Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby declared to be the public policy of Kentucky that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

Section 2. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

Section 3. No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment by such employer.

Section 4. No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

Section 5. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

Section 6. Any person who may be denied employment or be deprived of continuation of his employment in violation of sections three, four or five or of one or more of such sections, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this Common-

wealth such loss of earnings as he may have sustained by reason of such denial or deprivation of employment. Suits for loss of earnings under this Act shall be brought within one year after the alleged denial or deprivation of employment takes place.

By Mr. Conley.

H. B. No. 226. AN ACT relating to qualifications of insurance solicitors and amending section 304.534, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.534 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall license as a solicitor an individual only who meets the following requirements:

(1) Is a resident of this state.

(2) Is twenty-one years of age or over.

(3) Is to represent but one licensed agent.

(4) Has passed any examination as required under KRS 304.510 to 304.574.

(5) Is otherwise qualified under this code.

(6) Is to devote at least fifty percent of his time to the business of insurance or receive at least fifty percent of his earned income from the business of insurance.

By Mr. Saylor, and Mr. Pollitte.

H. B. No. 227. AN ACT changing the classification of the city of Loyall, in Harlan County.

Said bill is as follows, viz:

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Loyall, in Harlan County, is transferred from the sixth to the fifth class of cities.

REFERRAL OF BILLS

The Clerk announced that the committee on committees has referred the following bills to the following committees:

House Bill No. 140—Ky. Statutes No. 1

House Bill No. 141—Ky. Statutes No. 1

House Bill No. 142—Ky. Statutes No. 1

House Bill No. 143—Criminal Law

House Bill No. 144—Ky. Statutes No. 1

House Bill No. 145—Constitutional Amendments

House Bill No. 146—Ky. Statutes No. 1

House Bill No. 147—Regulation of Intoxicating Liquors

House Bill No. 148—Education

House Bill No. 149—Public Health

House Bill No. 150—Public Health

House Bill No. 151—Appropriations

House Bill No. 152—Ky. Statutes No. 1

House Bill No. 153—Ways and Means

House Bill No. 154—Agriculture

House Bill No. 155—Ways and Means

House Bill No. 156—Cities of the Third Class

House Bill No. 157—Cities of the Sixth Class

House Bill No. 158—Ky. Statutes No. 1

House Bill No. 159—Judiciary and Judicial Council

House Bill No. 160—Library and Historical Records

House Bill No. 161—Constitutional Amendments

House Bill No. 162—Appropriations

House Bill No. 163—Ways and Means

House Bill No. 164—Ways and Means

House Bill No. 165—Agriculture

House Bill No. 166—Agriculture

House Bill No. 167—Agriculture

House Bill No. 168—Revenue and Taxation

House Bill No. 169—Cities of the Second Class

House Bill No. 170—Ways and Means

House Bill No. 171—Ways and Means

House Bill No. 172—Judiciary and Judicial Council

House Bill No. 173—Regulation of Intoxicating Liquors

House Bill No. 174—Revenue and Taxation

House Bill No. 175—Courts and Legal Procedure

Senate Bill No. 18—Revenue and Taxation

Senate Bill No. 68—Cities of the First Class

House Resolution No. 25—Committee on Claims

House Resolution No. 26—Committee on Claims

House Resolution No. 27—Roads and Highways

House Resolution No. 28—Committee on Claims

House Resolution No. 29—Committee on Claims

House Resolution No. 30—Ways and Means

Mr. Lambert moved that the House adjourn until 8:00 P. M. Monday, February 8, 1954.

Said motion was agreed to

And the House did then adjourn.

MONDAY, FEBRUARY 8, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Paul

Stauffer, Pastor of the First Christian Church, Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the vote by which the clincher to H. B. No. 73 was adopted be reconsidered.

Said motion was agreed to by voice vote.

Mr. Lowman moved that the vote by which H. B. No. 73 was passed be reconsidered.

Said motion was agreed to by voice vote.

Mr. Lowman offered the following amendment to H. B. No. 73 and moved its adoption, viz:

Amendment—Amend line 27, section 2, page 2, by inserting in lieu of "state commerce in this commodities not regulated by the In-" the following: "state commerce in this state commodities not regulated by the In-".

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved that H. B. No. 73 be passed as amended.

Roll call being requested on said motion, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	Harold Edmonds
Walter J. Bailey	Harry M. Caudill	Addison L. Everett
John Rhea Banton	Cassius M. Clay	Herbert Fern
Clarence J. Barnum	Paul Cobb	Thomas P. Fitzpatrick
Wallace Bartley	William J. Conley	Cabell D. Francis
Charles E. Baumgardner, Sr.	R. Josh Cosby	W. L. Hadden
Owen Billington	Vernor O. Cottengim	C. Ruby Harralson
Leo A. Bleemel	Charles W. Craig	George F. Harris
J. Murray Blue	John L. Day	Harold G. Helm
J. C. Bradley	Albert Dempsey	David Heskamp
Edward T. Breathitt, Jr.	C. E. Dowell	Henry R. Heyburn
John Young Brown	James A. Dressman, Jr.	Lon C. Hill
	O. O. Duncan	Estill R. Hilton
		Chester J. Holsclaw

Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

(See House Journal of February 4, 1954, for H. B. No. 73)

Ordered that said bill be delivered to the Senate.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

H. B. No. 50. AN ACT authorizing and adding one additional judge to the circuit court for the 35th circuit court district; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said circuit court, and providing for the manner in which said court shall be held and the business therein conducted.

Thereupon, all other business was suspended, said bill was

read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bill to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, February 4, 1954, be dispensed with and same be approved.

Said motion was agreed to.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Montgomery moved that Geary Wayne Duncan be made an honorary page.

Said motion was agreed to.

Mr. Everett moved that Tommie Fern and Ronnie Fern, of Fleming County, be made honorary pages.

Said motion was agreed to.

Mr. Brown moved that Joe Earl Lambert, of Rockcastle County, be made an honorary page.

Said motion was agreed to.

Mr. Maglinger filed with the Clerk a petition, which is as follows, viz:

We, the undersigned members of the Owensboro Bar Association, do hereby endorse and urge the passage of Senate Bill 30 and House Bill 28 now pending in the Kentucky Legislature.

It is our opinion that these companion bills provide a sound system for the selection of special judges to try cases in the circuit courts of this state, and, in so doing, remove a long standing defect in the administration of justice in this commonwealth. We also believe that the retirement program established by these two bills will improve the personnel of the circuit courts and will remedy the grave injustice which was so vividly exemplified in the case of the late Chief Justice of the Supreme Court of the United States, Kentucky's own Fred M. Vinson.

It is our further belief that all of this can be accomplished without any additional expense to the taxpayers.

We, therefore, respectfully request our representatives in the Kentucky Legislature to exercise their best efforts to have these two bills reported favorably by Kentucky Statutes Committee No. 2 of the Senate and the Appropriation Committee of the House, and to secure the final passage of the two bills in both houses.

/s/ Morton Holbrook
/s/ Ridley Sandidge
/s/ Willard T. Carroll
/s/ Wells T. Lovett
/s/ Sidney A. Neal
/s/ Canon E. Bryan
/s/ William L. Wilson
/s/ B. C. Green
/s/ Clarence McCarroll
/s/ Gordon B. Mills
/s/ Elmer Brown
/s/ Richard H. Slack
/s/ Miller Holland, Jr.
/s/ George S. Wilson, Jr.
/s/ Henry M. Griffin
/s/ Joseph H. McKinley
/s/ Nathan B. Cooper
/s/ David C. Brodie
/s/ John B. Anderson
/s/ E. B. Anderson
/s/ Claude E Smith
/s/ Jack A. Connor
/s/ John W Beard
/s/ Russell C. Jones
/s/ Robert Humphrey, Jr.
/s/ R. T. Sweenie
/s/ T. Wallace Thacker
/s/ Charles Martel Hale
/s/ Earl O. Winter
/s/ Clarence Bartlett
/s/ Thomas J. Sabetta
/s/ James E. McDaniel

/s/ William M. Gant
/s/ Shelby T. Denton
/s/ Dan M. Griffith, Jr.
/s/ William E. Rummage
/s/ Thomas A. Hennessy
/s/ William F. Bennett
/s/ W. P. Sanders
/s/ Randolph Kramer
/s/ Sidney B. Neal, Circuit Judge

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. Res. No. 33. A JOINT RESOLUTION creating a Tax Planning Committee to make a study, survey and report concerning any necessary revision of the tax structure of the Commonwealth and of the sources of revenue presently available to the Commonwealth; providing for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

Said resolution is as follows, viz:

WHEREAS, in order that the state government may function on an economically sound basis, and in accordance with sound principles of fiscal management, the tax needs, requirements and responsibilities of the state government should be ascertained and established pursuant to a comprehensive and coordinate plan taking into consideration the proper relationship between federal, state and local government, and the obligations of each; and

WHEREAS, the trend of expansion of the scope of state government, and the increasing demands for benefits and services through state government, have created the need for additional revenue through extended and increased taxation; and

WHEREAS, the complexities of present day business and economy make exceedingly difficult the selection and adoption of fair and equitable tax measures producing sufficient revenues to meet the needs of the state; and

WHEREAS, it is desirable that a re-examination of the

existing state tax structure and a study and survey of potential tax sources be made in order that the General Assembly may be fully advised in the consideration of an integrated program of revenues and expenditures of the state government;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a bi-partisan committee to be known as the Tax Planning Committee, which shall consist of not more than twenty-five members, to be appointed by the Governor upon the effective date of this Resolution. The members shall be selected so as to provide representation of industry, agriculture, labor, and the professions by persons familiar with revenue, finance and taxation problems, and shall represent, as far as possible, a cross-section of the economy of the Commonwealth. The Governor shall designate one of the members as chairman of the committee. The members shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of the functions of the committee. The committee shall meet from time to time upon the call of the chairman, at a time and place designated in the call, and shall meet at the request of the Governor at such time and place as may be designated by the Governor. The committee shall continue in existence until such time as its duties have been completed, but in no event beyond December 31, 1955.

Section 2. The Tax Planning Committee, in conjunction with the Legislative Research Commission, shall make a comprehensive study and survey of the existing tax structure of the Commonwealth and of prospective and potential tax sources available to the Commonwealth, including an examination of the present state taxes and the revenue derived therefrom, the tax programs of other states and the revenue derived therefrom, a comparison of the tax sources existing in this state with those existing in other states, and a survey of prospective sources of revenue with an analysis of the economic effect of the utilization thereof and an estimate of the revenue that may be produced

thereby. The study and survey shall be compiled and presented so as to enable the Governor and the General Assembly to be informed as to the most feasible, equitable and economically sound program of taxation for the Commonwealth.

Section 3. The Legislative Research Commission is authorized and directed to secure and provide adequate facilities, services and assistance to enable the Tax Planning Committee to carry out the objects and purposes of this Resolution, with reimbursement from the appropriation provided in Section 6.

Section 4. The Tax Planning Committee shall have authority to obtain information and to receive cooperation and assistance from any public agency, state or federal. Every state agency, at the request of the committee, shall make available to the committee such information, statistics and reports as are at the disposal of such agency, and shall cooperate with the committee to the fullest extent.

Section 5. The Tax Planning Committee, with the assistance of the Legislative Research Commission, shall prepare and submit to the Governor, at such an early date as is consistent with the accomplishment of the purposes of this Resolution, but not later than December 1, 1955, a report of the results of its study and survey, with recommendations, for the use and benefit of the General Assembly when next in session.

Section 6. To carry out the purposes of this Resolution, there is appropriated to the Legislative Research Commission, out of the General Expenditure Fund, the sum of $25,000, which sum shall be available during the 1954-1955 fiscal year, and without lapse, during the 1955-1956 fiscal year. Authorized expenses and expenditures of the committee may be paid out of this appropriation, on vouchers approved by the Director of the Legislative Research Commission.

By Mr. Clay.

H. Res. No. 34. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report concerning possible sources of additional state tax revenue for general fund purposes.

Said resolution is as follows, viz:

WHEREAS, the increasing demands of the public for enlarged governmental programs have rendered imperative the examination of possible sources of additional state tax revenue for general fund purposes,

NOW, THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is directed to make a comprehensive study of possible sources of additional state tax revenue for general fund purposes and of the prospective and potential tax revenue which might be available to the Commonwealth of Kentucky from each of such sources.

Section 2. That in the study of this subject particular attention be given to the comparative advantages and disadvantages of selective excise and production taxes, gross receipts taxes and sales taxes of various types, and to experience of other states with these various forms of taxation.

Section 3. That the study contemplated by this resolution be completed by the Legislative Research Commission not later than six months prior to the next regular session of the General Assembly, and that one or more public reports of the findings of the Legislative Research Commission based on this study be published.

By Mr. Fitzpatrick.

H. B. No. 228. AN ACT relating to retired policemen in cities of the second to sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. City policemen in cities of the second to sixth class who have been retired by the board of trustees of the pension fund of such cities shall be subject to recall for limited service in cases of emergency, if physically fit.

Section 2. In order that retired policemen be available for service in cases of emergency they shall be required to take an oath before the mayor to faithfully discharge the duties that may be imposed upon them. They shall also be required to give such bond to the city, and with such surety as may be required by ordinance.

Section 3. All retired policemen subject to the provisions of this Act shall be permitted to carry concealed firearms at all times.

By Mr. Melton.

H. B. No. 229. AN ACT relating to the time of drilling offset oil or gas wells, and amending Section 353.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 353.040 of the Kentucky Revised Statutes is amended to read as follows:

When oil or gas is discovered in paying quantities on property adjoining a leasehold and the oil or gas from the adjoining property is being taken out of the ground and marketed from one or more wells located on such adjoining property within three hundred twenty-five feet of the boundary line of the leasehold, and the lessor gives the lessee written notice that oil or gas from such well or wells is being marketed, the lessee shall, within three months after receipt of the notice, begin to drill an offset well to each such well. The offset well or wells shall be drilled the same distance from the boundary line as the leasehold as the well or wells located on the adjoining property are located from the boundary line. If the lessee fails to commence and complete the offset well or wells with diligence, the lease shall automatically expire and be void. This section does not apply to a lease that is being operated or on which a well is being drilled.

By Mr. Melton, Mr. Horn, Mr. Newsom, Mr. Edmonds, Mr. Reid, Mr. Smith, Mr. Bleemel and Mr. Hill.

H. B. No. 230. AN ACT relating to the time of closing of voter registration books, and amending subsection (1) of Section 117.620 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 117.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the county board of registration and purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifteen days prior to, and five day following, any primary or general election, and ten days prior to any special election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed.

By Mr. McFadden.

H. B. No. 231. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.250, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

(9) "Needy permanently and totaly disabled person" means a person who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a substance compatible with decency and health.

Section 2. Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the other provisions of this section, a needy aged person, a needy blind person, a needy child, or a needy permanently and totally disabled person shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation;

(b) He is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulation; and

(c) He is not, at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by a governmental unit, except for temporary medical or surgical care in a hospital; Provided, that no individual shall be eligible to receive public assistance under KRS 205.160 to 205.250 under more than one category of public assistance for the same period of time.

Section 3. Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants or eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy, aged or needy blind or needy permanently and total disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

Section 4. Subsection (2) of Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(2) Prior to July 1 of each year the Commissioner shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided for in KRS 205.160 to 205.250; namely needy children, needy aged, needy blind, and needy permanently and totally disabled persons, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided that the commissioner

may, in the second year of any legislative biennium, reallocate said funds based on the number of recipients during any biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance;

(b) Administration and supervision of state employment offices;

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, the blind, permanently and totally disabled persons, and otherwise handicapped;

(d) Administration and supervision of all child welfare activities except those vested in the Department of Health.

By Mr. McClanahan.

H. B. No. 232. AN ACT relating to the powers and duties of mayors of fourth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 86.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor shall see that the laws and ordinances of the city are enforced and observed.

(2) The mayor may require written information from any city officer upon any subject relating to the duties of that officer.

(3) The mayor shall be the head of the city police, and may command them in the performance of their duties. He

shall be a conservator of the peace, and when he considers it necessary in order to enforce the laws of the city, save life or property, or quell riots or mobs, he may summon into service any of the citizens either civil or military, and in such cases he shall be present and command in person. The city council shall, by ordinance, prescribe fines and penalties for disobedience of the mayor's orders and summons.

(4) The mayor may suspend any city officer or employee, except councilmen, for misconduct in office, for neglect of duty, reporting his action, with his reasons therefor, in writing, to the next regular meeting of the common council, which shall take final action.

(5) The mayor shall perform any other duties imposed by ordinance.

By Mr. McClanahan.

H. B. No. 233. AN ACT relating to the general powers and duties of the State Board of Education, and amending subsection (2) of Section 156.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 156.070 of the Kentucky Revised Statutes is amended to read as follows:

(2) The State Board of Education may, on the recommendation and with the advice of the Superintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect. The board shall prescribe a course in safety for all secondary schools of the Commonwealth and authorize the award of one-half credit per year to students taking and passing the course.

By Mr Cottengim and Mr. McClanahan.

H. B. No. 234. AN ACT relating to revenue and taxation in cities of the second to sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every ordinance of a city of the second to sixth class imposing an annual occupational tax upon all salaries, wages, commissions and other compensations earned by every person in the city for work done or services performed or rendered in the city, and upon the net profits of all business, professions or other activities conducted in the city shall not become effective until ten days following its passage. If during the ten day period following the passage of such an ordinance, a petition signed by a number of voters equal to at least twenty-five percent of the total number of votes cast at the preceding regular city election, stating the residence of each signer, and verified as to signatures and residences by the affidavits of one or more persons, is presented to the city legislative body, protesting against the passage of the ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the city legislative body. If the ordinance is not then repealed, the city legislative body shall submit to the voters of the city, at a regular city election, the following questions: "Shall the ordinance (briefly describing it) go into effect? If a majority of the votes cast upon the question is in the negative, the ordinance shall not go into effect. If a majority of the votes cast upon the question is in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

Section 2. In any city of the second to sixth class having in effect, on the effective date of this Act, an ordinance authorizing the levy of the annual occupational tax contemplated in section 1 of this Act, a petition may be filed in the manner required in section 1, for the purpose of determining whether such ordinance shall remain in effect or be repealed by the city legislative body. However such petition, when filed, shall not

suspend the enforcement of the ordinance then in effect but will require that the question be presented to the voters of the city at the next regular city election, unless sooner repealed by the city legislative body.

Section 3. The provisions of KRS 92.281, insofar as they relate to cities of the second to sixth classes, shall be subject to the provisions of this Act.

By Mr. Cottengim.

H. B. No. 235. AN ACT relating to compensation of county judges.

Said bill is as follows, viz:

WHEREAS, the statute which is hereinunder amended presently works a great injustice to those persons serving in continuing appointments as county judges pro tem, in counties containing a city of the first or second class, and results in great difficulty in finding properly qualified persons to serve in said capacity, and which difficulty seriously endangers the welfare of all the people of this Commonwealth living in such counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 25.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) The regular county judge in every county is entitled to a vacation of two weeks in each year, and in counties having a circuit court of continuous session, the county judge is entitled to a vacation of one month in each year. During his vacation, the compensation of the pro tem judge shall not be deducted from the salary of the regular judge. The salary of the pro tem judge shall be paid by the county in the same manner and at the same rate per diem as that of the regular judge.

(2) In counties containing a city of the first or second class and in which the county judge pro tem serves under a continuing appointment, the pro tem judge shall receive an additional salary to be fixed by the fiscal court of the county

at a sum not in excess of $3,000 per annum to compensate him for his additional and more frequent service resulting from the large population. Said additional salary shall be paid by the county in equal monthly installments, and shall not be deducted from the salary of the regular judge.

Section 2. An emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Maglinger.

H. B. No. 236. AN ACT relating to subversive activities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this act unless the context requires otherwise: (1) "Organization" means an organization, corporation, company, partnership, association, trust, foundation, fund, club, society, committee, association, political party, or any group of persons, whether or not incorporated, permanently or temporarily associated together for joint action or advancement of views on any subject;

(2) "Subversive organization" means any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the Commonwealth of Kentucky, or of any political subdivision of either of them, by force or violence;

(3) "Foreign subversive organization" means any organization directed, dominated or controlled directly or indirectly by a foreign government which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or to advocate, abet, advise, or teach, activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of the constitutional form of government of the United States, or of the Commonwealth of Kentucky, or of any political

subdivision or either of them, and to establish in place thereof any form of government the direction and control of which is to be vested in, or exercised by or under, the domination or control of any foreign government, organization, or individual; but does not and shall not be construed to mean an organization the *bona fide* purpose of which is to promote world peace by alliances or unions with other governments or world federations, unions or governments to be effected through constitutional means;

(4) "Foreign government" means the government of any country or nation other than the government of the United States of America or of one of the states or territories thereof;

(5) "Subversive person" means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches, by any means, any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of the constitutional form of the government of the United States, or of the Commonwealth of Kentucky, or any political subdivision of either of them, by force or violence; or who is a member of a subversive organization or a foreign subversive organization.

Section 2. It shall be a felony for any person knowingly and willfully to

(1) commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of the constitutional form of the government of the United States, or of the Commonwealth of Kentucky, or any political subdivision or either of them, by force or violence; or

(2) advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or assist in the commission of any such act under such circumstances as to constitute a clear and present danger to the security of the United States, or of the Commonwealth of Kentucky or of any political subdivision of either of them; or

(3) conspire with one or more persons to commit any such act; or

(4) assist in the formation or participate in the management or to contribute to the support of any subversive organization or foreign subversive organization knowing said organization to be a subversive organization or a foreign subversive organization; or

(5) destroy any books, records or files, or secrete any funds in this state of a subversive organization or a foreign subversive organization, knowing said organization to be such.

Any person who shall be convicted by a court of competent jurisdiction of violating any of the provisions of this section shall be fined not more than twenty thousand dollars, or imprisoned in the penitentiary at hard labor for not more than twenty years, or both, at the discretion of the jury trying the case.

Section 3. It shall be a felony for any person to become, or to remain a member of a subversive organization or a foreign subversive organization knowing said organization to be a subversive organization or foreign subversive organization. Any person convicted by a court of competent jurisdiction of violating this section shall be fined not more than five thousand dollars, or imprisoned for not more than five years in the penitentiary at hard labor, or both, at the discretion of the jury trying the case.

Section 4. Any person convicted of violating any of the provisions of Sections 2 and 3 of this chapter, in addition to all other penalties therein provided, shall from the date of such conviction be barred from

(1) holding any office, elective or appointive, or any other position of profit or trust in or employment by the Commonwealth of Kentucky or any agency thereof or of any county, municipal corporation or other political subdivision of said Commonwealth; and from

(2) filing or standing for election to any public office in the Commonwealth of Kentucky.

Section 5. (1) It shall be unlawful for any subversive organization or foreign subversive organization to exist or function in the Commonwealth of Kentucky.

(2) Any organization which is convicted of violating the provisions of this section shall be dissolved, and if it be a corpora-

tion organized and existing under the laws of the Commonwealth of Kentucky, such conviction shall constitute legal cause for forfeiture of its charter and its charter shall be forfeited; and all funds, books, records and files of every kind and all other property of any such organization shall be seized by and for the Commonwealth of Kentucky, the funds to be deposited in the state treasury and the books, records, files and other property to be turned over to the Attorney General of Kentucky.

Section 6. The Attorney General is authorized to appear before any grand jury on matters relating to prosecutions brought under this Act, either to render assistance to the Commonwealth Attorney at the latter's request, or upon his own motion, for the purpose of examining witnesses or otherwise presenting evidence.

Section 7. The Attorney General of Kentucky, the Commonwealth's Attorney of any judicial district, and the County Attorney of any county shall maintain complete records of all information received and matters handled in their respective offices under the requirements of this chapter. Such records as may reflect on the loyalty of any resident of this state shall not be made public nor divulged to any person except with the permission of the Attorney General to effectuate the purposes hereof.

Section 8. The Circuit Court when in its discretion it appears appropriate, or when informed by the Attorney General, Commonwealth's Attorney or County Attorney that there is information or evidence of the character described in Section 2 of this chapter to be considered by the grand jury, shall charge the grand jury to inquire into violations of this chapter for the purpose of proper action, and further to inquire generally into the purposes, processes and activities and any other matters affecting communism or any related or other subversive organizations, associations, groups or persons.

Section 9. No subversive person shall be eligible for employment in, or appointment to any office, or any position of trust or profit in the government of, or in the administration of the business of this Commonwealth, or of any county, municipality, or other political subdivision.

Section 10. Every person and every board, commission, council, department, court or other agency of the Commonwealth

of Kentucky or any political subdivision thereof, who or which appoints or employs or supervises in any manner the appointment or employment of public officials or employes, may establish by regulation procedures designed to ascertain before any person, including teachers and other employes of any public educational institution in this state, is appointed or employed, that such person is not a subversive person, and that there are no reasonable grounds for believing such person is a subversive person. In the event such reasonable grounds exist, the person shall not be appointed or employed. In securing any facts necessary to ascertain the information herein required, the applicant shall be required to sign a written statement containing answers to such inquiries as may be material, which statement shall contain notice that it is subject to the penalties of false swearing.

Section 11. Every person in the employ of the Commonwealth of Kentucky or of any political subdivision thereof, other than those now holding elective office, may be required by the department, agency, or political subdivision concerned to make a written statement which shall contain notice that it is subject to the penalties of false swearing, that he or she is not a subversive person as defined in this act. Any such person failing or refusing to execute such a statement or who admits he or she is a subversive person as defined in this chapter shall immediately be discharged.

Section 12. Reasonable evidentiary grounds for belief that any person is a subversive person shall be cause for discharge from any appointive office or other position of profit or trust in the government of or in the administration of the business of this Commonwealth, or of any county, municipality or other political subdivision of this Commonwealth, or any agency thereof. In cases in which it has jurisdiction, the Division of Personnel Efficiency shall, by regulation, prescribe that persons charged with being subversive persons, as defined in this act, shall be accorded notice and opportunity to be heard in accordance with any procedures prescribed by law for discharges for other reasons. Every person, and every board, commission, council, department, or other agency of the Commonwealth of Kentucky, or any political subdivision thereof having responsibility for the appointment, employment or supervision of public employes not covered by the

Commonwealth classified service shall establish rules or procedures similar to those required herein for classified services for a hearing for any person charged with being a subversive person. Every employing authority discharging any person pursuant to any provision of this chapter shall promptly report to the Attorney General of this Comomnwealth, Commonwealth's Attorney of his judicial district or the County Attorney of his county such discharge. A person discharged under the provisions of this section shall have the right within ninety days thereafter to appeal to the Circuit Court of the county where such person may reside for a determination by such court, with the aid of a jury if the appellant so elects, as to whether or not the discharge appealed from was justified under the provisions of this act. The court shall speedily hear and determine such appeals, and from the judgment of the court there shall be a further appeal to the Court of Appeals of Kentucky.

Section 13. No person shall become a candidate for election to, nor qualify for, any public office under the election laws of this Commonwealth unless he or she shall file with the declaration of candidacy, or prior to qualifying, an affidavit that he or she is not a subversive person as defined in this chapter. No declaration of candidacy shall be received for filing by any county clerk or by the Secretary of State unless accompanied by the affidavit aforesaid and there shall not be entered upon any ballot or voting machine at any election the name of the person who has failed or refused to make the affidavit aforesaid.

Section 14. Every written statement made pursuant to this chapter by an applicant for appointment or employment, or by any employe, shall be deemed to have been made under oath if it contains a declaration preceding the signature of the maker to the effect that it is made under the penalties of false swearing. Any person who makes a material misstatement of fact (1) in any such written statement, or (2) in any affidavit made pursuant to the provision of this chapter, or (3) under oath in any hearing conducted by any agency of the state, or of any of its political subdivisions, pursuant to this chapter, or (4) in any written statement by an applicant for appointment or employment or by an employe in any state aid institution of learning in this state, intended to determine whether or not such applicant or employe

is a subversive person, which statement contains notice that it is subject to the penalties of false swearing, shall be subject to the penalties of false swearing prescribed by the laws of Kentucky.

Section 15. Title. This chapter may be cited as the Subversive Activities Act of 1954.

By Mr. Bridgers.

H. B. No. 237. AN ACT relating to the transportation of petroleum and petroleum products in bulk in tank trucks by motor vehicles, and making certain provisions of Chapter 281 of the Kentucky Revised Statutes applicable thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Any person who engages in the transportation of petroleum products for-hire in bulk in tank trucks to, and from and between any place or point in Kentucky in intrastate commerce shall be a "carrier" or "motor carrier" within the meaning of the provisions of K.R.S. 281.010, and shall be subject to the same common law obligations, responsibilities and liabilities as a common carrier.

(2) There is hereby created a petroleum tank truck carrier permit, which shall be in addition to the certificates or permits presently provided for by K.R.S. 281.

(3) The petroleum tank truck carrier permit provided for herein shall authorize the holder thereof to engage in the transportation of petroleum and petroleum products for hire in bulk in tank trucks, to, from and between all points and places in Kentucky in intrastate commerce.

(4) The department shall, by regulation, designate or define what shall constitute petroleum products so as to authorize the transportation for hire thereof by a person who holds a petroleum tank truck carrier permit.

(5) The term "tank truck", for the purpose of this chapter only, means any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, consisting wholly or in part of a tank constructed or designed or used for the purpose of transporting petroleum products in bulk for compensation upon the highways but does not include any vehicle, locomotive or car operated on a rail or rails.

(6) The term "petroleum tank truck carrier" means any person who undertakes, whether directly or by contract, lease or other arrangements, to transport for compensation over the highways of this state to, from and between all points and places in Kentucky in intrastate commerce petroleum products in bulk by "tank truck" as defined herein.

(7) The term "permit" as employed in Sections 281.615, 281.620, 281.625, 281.645, 281.650, 281.655, 281.670, 281.700 (2), 281.720, 281.760, 281.780, 281.810, and 281.830, shall be construed to include a "petroleum tank truck carrier permit".

(8) Insofar as they are not in conflict with the provisions of this Act, the terms and provisions of K.R.S. Chapter 281 shall be applicable.

Section 2. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

Any person holding any authority issued by the department authorizing the for-hire transportation in bulk in tank trucks of petroleum or petroleum products may within sixty days after the effective date of this Act apply on such forms as the department may prescribe for a petroleum tank truck carrier permit. The department shall determine whether or not any person applying for a petroleum tank truck carrier permit was as of December 31, 1953, engaged in the bona fide transportation of petroleum and petroleum products in bulk for hire in tank trucks in intrastate commerce in Kentucky. If the department determines the applicant to have been in bona fide operation as an authorized carrier of petroleum or petroleum products as of December 31, 1953, then the department shall, without a hearing, issue to such applicant a petroleum tank truck carrier permit. Bona fide transportation for hire of petroleum or petroleum products in bulk in tank

trucks within the meaning of this Act shall be such transportation as contemplates the relationship of carrier and shipper. Under any other circumstances, the basis for granting or refusing any tank truck carrier permit shall be the same as the basis for granting or refusing a certificate in accordance with the provisions of K.R.S. 281.630 (1).

Section 3. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

The department shall have full power to control the rates and charges of petroleum tank truck carriers and shall have the power to make such rules and regulations as it may deem necessary to carry out the provisions of this section.

(A) Every rate and charge demanded or received by any petroleum tank truck carrier shall be just and reasonable and every such carrier shall furnish adequate, efficient, safe and reasonable service.

(B) Under rules and regulations prescribed by the department, every petroleum tank truck carrier shall maintain on file with the department a tariff of rates, charges and classifications and shall keep open for public inspection at designated offices so much of such tariffs as the department deems necessary for public information.

(C) No petroleum tank truck carrier shall make any change in any rate that has been duly established under this chapter, except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give such notice of the proposed change to other interested persons in such manner as the department directs (in its rules and regulations). All proposed changes shall be shown by filing new tariffs (in the form and manner prescribed by the department). The department may, in accordance with regulations prescribed therefor, upon the showing of good cause, provide for the allowance of a change in rate by holders of petroleum tank truck carrier permits upon less than the thirty day notice prescribed herein.

(D) No petroleum tank truck carrier shall engage in the

transportation of petroleum and petroleum products in bulk in tank trucks unless the rates and charges for such transportation have been filed and published in accordance with the provisions of this Act and the rules and regulations of the department.

(E) No tank truck carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of petroleum and petroleum products in bulk or for any service in connection therewith than the rates and charges specified in its tariffs and classifications filed with the department and in effect at the time; nor shall any petroleum tank truck carrier refund or remit any part of the rates or charges so specified or make or give any unreasonable preference or advantage to any person or subject any person to any unreasonable discrimination.

(F) Whenever any tariff stating a new rate is filed with it, the department may, upon its own initiative, and shall upon protest enter upon a hearing concerning the lawfulness of the rate. (At least thirty days before the hearing, the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate). Pending the hearing and decision thereon, the department may suspend the operation of the new rate for a period of not more than six (6) months, by giving reasons therefor. If, after the hearing, the department finds any such rate to be unjust, unreasonable or unjustly discriminatory or in violation of the law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(G) The department has authority to affix or approve the rates, charges, classifications, rules and regulations of each petroleum tank truck carrier and to regulate the service of such carrier so as to insure adequate, efficient, safe, convenient and reasonable service. If the department, after a hearing held upon reasonable notice, upon its own motion or upon complaint finds any existing rate to be excessive, inadequate, unreasonable or unjustly discriminatory or finds the services rendered or facilities employed by any petroleum tank truck carrier to be unsafe, inadequate, inconvenient or in violation of law or of the rules and

regulations of the department, it may determine the just and reasonable rate to be charged therefor or the reasonable, safe, adequate and convenient service to be thereafter furnished and shall fix the same by order. The department need not fix the same rates as are or may be fixed by other authorities or carriers engaged in other methods of transportation.

By Mr. Bridgers.

H. B. No. 238. AN ACT relating to unemployment insurance; amending Section 341.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.070 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context clearly requires otherwise, "subject employer" means:

(1) Any employing unit which, in each of three calendar quarters in the preceding calendar year, had in covered employment four or more workers (whether or not the same workers), to as many as four of whom at least fifty dollars in wages was payable to each with respect to such covered employment in each such quarter, except that an employing unit shall not be deemed a "subject employer" where it employs only three workers at a time.

(2) Any employing unit which for some portion of a day (but not necessarily simultaneously) in each of twenty different weeks (whether or not such weeks are consecutive) within either the current or the preceding calendar year, has or had in covered employment eight or more workers (whether the same workers are or were employed in each such day).

(3) Any employing unit that succeeds to the organization, trade or business of another employing unit which at the time of such succession is a subject employer; and any employing unit which succeeds to the organization, trade, or business of any previously separate portion of another employing unit, which

portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(4) Any employing unit that succeeds to any of the assets of a subject employer's business by any means whatever, otherwise than in the ordinary course of trade, is a subject employer if:

(a) The transferee has continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(b) The transferee has employed substantially the same workers as those the transferor had employed in connection with the assets acquired; and

(c) The transferee has acquired a previously separate portion of the transferor's assets, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(5) Any other employing unit which has elected to become subject to this chapter, pursuant to subsection (3) of KRS 341.250.

(6) Any employing unit which has in covered employment within this state workers subject to the Federal Unemployment Tax Act.

(7) Any employing unit which, having become a subject employer under subsections (1) to (6) of this section, has not ceased to be a subject employer under KRS 341.250.

(8) Notwithstanding the provisions of this section or any other provision of this chapter, no employing unit shall be initially determined a subject employer on the basis of covered employment performed more than six calendar years prior to the year in which such determination is made, unless the commissioner can show that the records of such employment experience were fraudulently concealed or withheld for the purpose of escaping liability under this chapter.

By Mr. Lowman.

H. B. No. 239. AN ACT relating to local public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, subject to the approval of the State Department of Health, appoint a health officer having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of both the county board and the State Department of Health.

(b) If there are no qualified applicants for the position of health officer, the county board shall, with the approval of the State Department of Health, appoint a health administrator having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of both the county board and the State Department of Health. A health administrator shall have all the authority, duties and responsibilities reposed by law in a health officer except those duties and responsibilities that only a licensed physician is authorized by law to perform.

(c) A health officer or health administrator may appoint one or more deputies and revoke their appointments at his pleasure. A deputy health officer or deputy health administrator shall exercise such duties as may be delegated to him by the health officer or health administrator. Any duty enjoined by law upon a health officer or health administrator may be delegated to and performed by his lawful deputy except those duties and responsibilities that only a licensed physician is authorized by law to perform. Each deputy health officer and each deputy health administrator shall possess such education, training and experience, and other qualifications as may be prescribed by the State Department of Health and need not be a physician.

Section 2. Subsection (3) of Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(3) The health officer of counties having a county department of health shall receive a salary to be fixed by the county

board of health subject to the approval of the State Department of Health. He shall receive necessary traveling expenses.

Section 3. Section 212.230 of the Kentucky Revised Statutes is amended to read as follows:

Each county board of health shall constitute a body corporate and may:

(1) Sue and be sued in its corporate name;

(2) Employ and fix the compensation of, by contract or otherwise, subject to the approval of the State Department of Health, all medical, technical, clerical, professional and other employes necessary for the maintenance and operation of the county department of health in accordance with standards prescribed by the State Board of Health;

(3) Utilize available services, facilities, equipment and personnel of the State Department of Health or of the United States Public Health Service upon such terms of payment or reimbursement as are agreed on by the board and the State Department of Health or the United States Public Health Service;

(4) Contract for services not otherwise available;

(5) Provide for the public health training and instruction of employes and compensate and defray the reasonable expenses of said employes while they are pursuing public health training courses approved by the State Department of Health;

(6) Establish or contribute to a retirement system or fund for employes of the county department of health;

(7) Go upon and inspect any premises that it believes are in unclean or infectious condition, and fix and determine the location of an eruptive hospital for the county, sufficiently remote from human habitation and public highways as in its judgment is safe;

(8) Adopt all needful rules and regulations, not in conflict with the rules and regulations of the State Board of Health, to implement and carry out all public health laws of the state except as otherwise provided by law.

(9) Perform other functions necessary to carry out the provisions of law relating to county boards of health.

Section 4. (1) County boards of health shall:

(a) Supervise the work of the county health officer or county health administrator;

(b) Report to the State Department of Health, at least once every there months, on the character of infectious, epidemic and communicable diseases prevailing in the county, the number afflicted, the action taken by the board in arresting the progress of such epidemics, and the visible effects of such actions. The boards shall make such other reports as they deem expedient or when required by the State Department of Health;

(c) Issue and require the heads of families and other persons to execute such orders as the board considers expedient to prevent the outbreak and spread of communicable diseases, and to this end bring the infected population under prompt and proper treatment during premonitory or other stages of the disease;

(d) Review any ruling, decision, order or action of the county health officers or health administrators, deputies or employees provided the aggrieved party makes written request therefor within thirty days after the decision, order or action complained of is made;

(e) Enforce, in its own name or acting by and through the county health officer or county health administrator of their deputies in the county and in all cities and towns situated therein, except as otherwise provided by law, all public health laws of the Commonwealth of Kentucky and all of the rules and regulations of the State Board of Health issued thereunder, and also all of its own rules and regulations that are not in conflict with the rules and regulations of the State Board of Health. The county board of health, department of health, health officer, or health administrator, or any of them, is empowered to issue written orders directed to the owner or occupant of any property, or to any person, firm or corporation whatever, commanding, within the time and manner specified in the order, compliance with applicable public health laws of this state, except as otherwise pro-

vided by law, and all regulations of the State Board of Health or any county board of health. Notwithstanding the provisions of this section and of KRS 212.210, any board, department, health officer or health administrator may institute and maintain mandatory or prohibitory injunction proceedings in the appropriate circuit courts of this state to abate nuisances that are or may be a menace to the health of the people of the state or community, and to compel compliance with the public health laws of this state and the regulations of the State Board of Health and local boards of health and the orders described in this section or in KRS 212.210.

(2) No person shall fail or refuse to observe or obey a written directive of the state or county board of health after receiving written notice thereof.

Section 5. Section 212.660 of the Kentucky Revised Statutes is amended to read as follows:

The city-county board of health shall appoint a health officer or health administrator and employ other persons necessary for the work of the city-county health department in the same manner and subject to the conditions applicable to county health officers, county health administrators and county health employes.

Section 6. Subsection (2) of Section 212.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person who violates subsection (2) of section 4 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each day the violation continues.

Section 7. Section 212.200 of the Kentucky Revised Statutes is repealed.

Section 8. This Act shall become effective July 1, 1954.

By Mr. Lowman.

H. B. No. 240. AN ACT relating to narcotic drugs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (14) of Section 218.101 of the Kentucky Revised Statutes is amended to read as follows:

(14) "Narcotic Drugs" includes coca leaves, opium, isonipecaine (the substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified), cannabis, every other substance neither chemically nor physically distinguishable from them, and any drug having an addiction-forming or addiction-sustaining liability similar to morphine or cocaine which is designated by regulation of the State Board of Health as a narcotic drug.

Section 2. Section 217.410 and subsection (10) of Section 217.990 of the Kentucky Revised Statutes are repealed.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 83. AN ACT relating to property escheated to the state.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 393.140 of the Kentucky Revised Statutes is amended to read as follows:

(3) The claimant shall, within fifteen days after filing any claim permitted under this section in excess of twenty-five dollars, publish notice of the claim in a newspaper of general bona fide circulation in the county in which the property was held before being transferred to the state. If there is no such newspaper, or the claim is for twenty-five dollars or less, the claimant shall post at the courthouse door and three other conspicuous places in that county, and shall file proof of publication or posted notice with the department. No such claim shall be allowed until

fifteen days after proof of the notice is received by the department at its offices in Frankfort

Ordered printed and referred.

COMMITTEE REPORTS

Mr. Barnum, Chairman of the Committee on Cities of the First Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 68. AN ACT changing the classification of the city of St. Matthews in Jefferson County.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Moorman, Chairman of the Committee on Agriculture to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 90. AN ACT relating to agricultural Experimentation, and amending Section 247.020 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 165. AN ACT relating to dairying and creating a dairy commission.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 111. AN ACT relating to hunting on private property.

H. B. No. 116. AN ACT rleating to the manner of holding elections in cities of the second, third and fourth classes having city manager form of government, and amending subsection (1) of section 89.460 of the Kentucky Revised Statutes.

H. B. No. 105. AN ACT changing the classification of the City of St. Matthews, in Jefferson County.

H. B. No. 122. AN ACT relating to carrying concealed deadly weapons, and amending subsection (1) of Section 435.230 of the Kentucky Revised Statutes.

H. B. No. 126. AN ACT relating to mining, and prohibiting same within five feet of property line, and amending subsection (1) of Section 352.490 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

S. B. No. 17. AN ACT relating to the sales of realty of infants and persons of unsound mind.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bill to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 63. AN ACT relating to tax bill forms, notices to taxpayers, and amending subsection (2) of Section 133.220 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 133.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue annually shall furnish to each county clerk tax bill forms designed for adequate accounting control sufficient to cover the taxable property on the rolls. These tax bill forms shall be furnished not later than ten days after the Kentucky Tax Commission has rendered it certification. The county annually shall furnish the county clerk with sufficient tax bill forms for his use in the prepaartion of tax bills for all taxpayers who are liable for a poll tax and who own no property assessed for taxation.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a correct tax bill for each taxpayer in the county whose property has been assessed and whose valuation is included in the certification provided in KRS 133.180. If the bills are bound the cost of binding shall be paid out of the county levy. Each tax bill shall show the rate of tax upon each one hundred dollars worth of property for state, county and school purposes; the name of the taxpayer and his mailing address; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund and other levies. The county clerk shall attest each bill by signing it officially. Provision shall be made for the sheriff to have a stub, duplicate or other proper evidence of receipt of payment of each tax bill.

(3) Tax bills prepared in accordance with the certification of the Kentucky Tax Commission shall be delivered to the sheriff or collector by the county clerk before September 15 of each year. The clerk shall take a receipt showing the number of tax

bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) Upon delivery to him of the tax bills, the sheriff or collector shall mail a notice to each taxpayer, showing the total amount of taxes due the state, county, school fund and other levies, the date on which the taxes are due, and any discount to which the taxpayer may be entitled upon payment of the taxes prior to a designated date.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Cassius M. Clay
Walter J. Bailey	Leo A. Bleemel	Paul Cobb
Clarence J. Barnum	Edward O. Bridgers	William J. Conley
Charles E. Baumgardner, Sr.	John Young Brown	R. Josh Cosby
	Charles W. Buchanan	Vernor O. Cottengim
		Charles W. Craig

W. Marvin Davis
John L. Day
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Edward D. Pollitte
Jack Raybourne, Jr.
L. M. Tipton Reed
Russell Reynolds
William A. Routh
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Those who voted in the negative were—

Wallace Bartley
Louis T. Peniston
Paul T. Ratcliffe
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
James Treadway
W. W. Webster
—9

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House, as follows, viz:

H. B. No. 25. AN ACT relating to a Compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development and operation of an interstate park to be known as The Breaks Interstate Park.

Ordered delivered to the enrolling clerk.

The Speaker, Mr. Burnley, having vacated the chair Mr. Wathen assumed the chair as Speaker pro tem.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 134. AN ACT relating to property taxation.

Said bill is as folows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.630 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the first class, the salary of deputies, appraisers and assistants shall be fixed by the Department of Revenue. The total amount allowed for salaries for the county tax commissioner, his deputies, appraisers and assistants and all other expenses of the office including transportation expenses for himself and deputies, shall not exceed in the aggregate the amount determined under KRS 132.590.

Mr. Holsclaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any owner or operator of a railroad running through or within this state as a common carrier of persons or property or both, for compensation, who either operates for its employes, or who furnishes to its employes for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by KRS 277.245, shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense and each day or part of a day it operates or furnishes each of such rail track motor cars not so equipped as provided in KRS 277.245 to its employes for operation to or from the place or places where they are required to work shall constitute a separate offense.

Mr. Burnley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in

accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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There voted in the negative—

James W. Lambert

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 138. AN ACT relating to support of forage, pasture and grassland farming in Kentucky, and to appropriate money therefor.

Said bill is as follows, Viz:

WHEREAS, Kentucky, situated between the corn and the cotton belts and having mostly a rolling topography, is naturally a pasture state, with approximately two acres in pasture and meadow for every one in grain and tobacco, and,

WHEREAS, counting the proportion of livestock income due to forage and the proportion of yields of other crops due to the effects of sod-crop growth, hay and pasture are Kentucky's most productive sources of farm income, exceeding the income from tobacco in the late forties by some $30,000,000.00 a year, and

WHEREAS, the potentialities of improving Kentucky farm income through improved grass farming are large, but require development through a strengthened program of forage-crop research and educational activities,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The program of the Kentucky Agricultural Experiment Station in the field of forage-crop breeding and research in the development of grassland farming is recognized and established. Such program shall be continued and extended especially in the establishment and maintenance of good pastures. For this purpose there shall be available to the Kentucky Agricultural Experiment Station such sums as may, from time

to time, be appropriated for the purpose by the General Assembly.

Section 2. For the purpose of this Act there is hereby appropriated to the Kentucky Agricultural Experiment Station, out of the General Expenditure Fund of the State Treasury, the sum of $50,000.00 per year for each of the fiscal years 1954-55 and 1955-56, without lapse in the year 1954-55.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. C. Bradley	Charles W. Craig
Walter J. Bailey	Edward O. Bridgers	W. Marvin Davis
John Rhea Banton	John Young Brown	John L. Day
Clarence J. Barnum	Charles W. Buchanan	C. E. Dowell
Wallace Bartley	Harry M. Caudill	Harold Edmonds
Charles E. Baumgardner, Sr.	Cassius M. Clay	Addison L. Everett
Owen Billington	Paul Cobb	Herbert Fern
Leo A. Bleemel	William J. Conley	Thomas P. Fitzpatrick
J. Murray Blue	R. Josh Cosby	Cabell D. Francis
	Vernor O. Cottengim	W. L. Hadden

C. Ruby Harralson	Damon Majors	Cecil C. Sanders
George F. Harris	William J. Marcum	LeRoy Saylor
David Heskamp	Carl D. Melton	W. R. Smith
Henry R. Heyburn	Robert K. Montgomery	Mrs. Thelma L. Stovall
Lon C. Hill	Walter R. Moorman	E. H. Stumbo
Estill R. Hilton	Eddie J. Morris	C. Waitman Taylor
Chester J. Holsclaw	Goebel W. Newsom, Jr.	James Treadway
Varna Holt	Foster Ockerman	Eulick Walsh
William M. Horn	Louis T. Peniston	Will Tom Wathen
William L. Jones	Edward D. Pollitte	W. W. Webster
Jennings H. Kearby	Paul T. Ratcliffe	Hicks Wells
Talmage Lacy	Jack Raybourne, Jr.	William B. Wells
James W. Lambert	Hobart Rayburn	Mrs. Randolph Wilson
George H. Lovelace	L. M. Tipton Reed	T. D. Winstead
Harry King Lowman	Robert Reid	Walker H. Wiseman
Shelby McCallum	Russell Reynolds	Dr. Clyde D. Wooton
Ralph E. McClanahan	Lloyd E. Rogers	Paul E. Young
Caleb McFadden	Joe Rouse	
William E. Maglinger	William A. Routh	—84

Those who voted in the negative were—

Harold G. Helm	Alton B. Mitchell	—2

Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which asid bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, resumed the chair.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

S. B. No. 22. AN ACT relating to changing the classification of the City of Fort Wright in Kenton County.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bill to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a resolution originating in that body as follows, viz:

S. Res. No. 19. A RESOLUTION honoring Marvin Bertrie Holifield.

Upon motion of Mr. Lowman, said resolution was adopted by voice vote.

Said resolution is as follows, viz:

A RESOLUTION honoring Marvin Bertrie Holifield.

WHEREAS, Marvin Bertrie Holifield, an Assistant Attorney General of this Commonwealth, did on Sunday, February 7, 1954, celebrate the eighty-second anniversary of his birth; and

WHEREAS, during his long life, the said General Holifield has brought honor and credit to this Commonwealth and to the South by the keenness of his intelect, the courage and wisdom of his convictions, the soundness of his constitutional theories, and the Roman piety of his patriotism and his religious beliefs, so that the Commonwealth will honor itself in honoring him, and in setting out the record of his life for historical purposes, as hereafter indited:

Marvin Bertrie Holifield was born on February 7, 1872, in Graves County, Kentucky, the offspring of the marriage of Miss Julia Dodson to Dr. John Holifield, a physician and ex-soldier of the Confederacy. He was educated in the common schools and graduated in law from Cumberland University, in Tennessee, where he was enrolled during the same period that Cordell Hull, later Secretary of State of the United States, was a student. He was admitted to the bar of this Commonwealth in 1896, and later

served terms as City Attorney of Mayfield and County Attorney of Graves County.

The late Attorney General, J. W. Cammack, appointed him an Assistant Attorney General in January, 1928, and he has since served continuously in that position except for one term, 1932 to 1936, when he returned to Mayfield to rejoin his firm.

He was insistently recalled to the Attorney General's office in 1936 to continue the railroad rate litigation which he had begun during his first service in 1928. This involved the freight rate differential between the North and the South which had so seriously retarded and repressed the industrial growth of the South almost from the period of the Northern triumph in the War for Southern Independence.

The freight rate structures of the United States had developed on a regional basis, with higher rates in the South and West than in the North. For example, in the Supreme Court's decision in New York v. United States, 331 U. S. 284, 67 S. Ct. 1207, a comparative table is reproduced (at page 302 of the U. S. Reporter) which shows a disadvantage to the Southern shipper of 37 to 50 percent in comparison with shipments of equal distance in the North.

The attack on this and similar crippling differentials was carried on by a number of Southern states and organizations, with General Holifield always taking part as one of the leaders. In numerous cases he represented the State before the Interstate Commerce Commission, and in appeals from its decisions in the Supreme Court of the United States, and elsewhere. These cases include:

Commonwealth of Kentucky v. Anaphee & W. R. Co., 213 I.C.C. 297, (original Complaint 1928, Decision 1935) involved the rates from Kentucky to the large consuming areas in the North. The Interstate Commerce Commission required the railroads to reduce the rates from Kentucky to substantially the same level as the rates in the North.

Intrastate Class and Commodity Rates in Kentucky, 223 I. C. C. 109, (Decision, 1937) involved an order of the Railroad Commisison of Kentucky, which required the railroads to reduce

the intrastate rates to the level of the rates in the North. The Interstate Commerce Commission sustained the order of the Railroad Commission.

Alabama v. *New York Central R. Co.*, 235 I.C.C. 255, (Decision, 1939) known as the Southern Governors Case, involved the rates on a number of important commodities moving from the South to the North. The Interstate Commerce Commission required a substantial reduction in the rates.

Class Rate Investigation, 1939, 262 I.C.C. 447; (Decision, 1945) 281 I.C.C. 213, (Decision, 1951) originated by the Southern Governors, involved the class rates east of the Rocky Mountains. The Interstate Commerce Commission found that the interterritorial differences in rates were not justified and required the railroads to establish uniform rates. The Supreme Court sustained the order in New York v. United States, 331 U.S. 284.

Commonwealth of Kentucky v. *United States*, 325 U.S. 535, involved an order of the Interstate Commerce Commission which required an increase in the intrastate passenger fare. The Court set aside the order.

Lake Cargo Coal from Illinois, Ind., and Ky. to Chicago, 238, I.C.C. 633, (Decision, 1940) involved, amongst others, a differential of 35 cents per ton on coal West Kentucky over Southern Illinois to Chicago for movement beyond by water. The Interstate Commerce Commission reduced the differential to 25 cents per ton.

Commonwealth of Kentucky v. Illinois C. R. Co., 259 I.C.C. 259, (Decision, 1944) involved the differential of Western Kentucky over Southern Illinois of 35 cents per ton on coal to Chicago proper. The Interstate Commerce Commission required the railroads to reduce the differential to 25 cents per ton. The order of the Commission was sustained by the Court in *Chicago, B. & Q. R. Co.* v. *United States*, 60 Fed. Supp. 580.

The latter two cases, especially, had an immediately beneficial effect on the Western Kentucky Coal Field.

Despite the fact that General Holifield was and is a Democrat, he was retained by Republican Attorney General Elden

Dummit during the latter's term (1944-1948), and publicly commended by him "as deserving the credit" for the successful fight to equalize rates.

General Holifield has served as First Assistant Attorney General, and more recently, as Assistant Attorney General assigned to the Kentucky Railroad Commission. He is considered as the foremost authority on Kentucky's Constitution, and is also an authority on Confederate history. He is best known to laymen in Frankfort, however, as the teacher of a large men's Bible class in the First Baptist Church of that city, and the author of several religious monograms in the nature of legal briefs on religious history or beliefs. These include "A Discussion of Some of the Evidence of Christ's Resurrection" and "A Discussion of Some of the Evidence of God's Existence and His Interest in Humanity," both published in 1950.

General Holifield was married October 31, 1905 to Miss Melinda May Drake, who died in 1938. They were childless.

In 1953 General Holifield was recognized and honored by the University of Kentucky, which conferred upon him an LL.D. degree.

AND WHEREAS, for these reasons, it is the desire of the General Assembly to recognize and honor Marvin Bertrie Holifield, and to make his achievements a matter of record,

NOW, THEREFORE,

Be It Resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring:

Section 1. That the presiding officers of the Senate and the House do express to Marvin Bertrie Holifield the appreciation of the General Assembly for his labors on behalf of Kentucky and the South, congratulate him upon his anniversary, and inscribe and present to him a copy of this resolution.

Section 2. That a copy of this resolution be sent to the County Court Clerk of Graves County for inclusion in the records of that County.

Ordered that said resolution be returned to the Senate.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 176—Ky. Statutes No. 1

House Bill No. 177—Ky. Statutes No. 1

House Bill No. 178—Appropriations

House Bill No. 179—Veterans' Legislation and Military Affairs

House Bill No. 180—Ky. Statutes No. 2

House Bill No. 181—Elections

House Bill No. 182—Agriculture

House Bill No. 183—Ky. Statutes No. 1

House Bill No. 184—Ways and Means

House Bill No. 185—Regulation of Intoxicating Liquors

House Bill No. 186—Ky. Statutes No. 1

House Bill No. 187—Education

House Bill No. 188—Ky. Statutes No. 1

House Bill No. 189—Constitutional Amendments

House Bill No. 190—Cities of the First Class

House Bill No. 191—Ky. Statutes No. 2

House Bill No. 192—Ways and Means

House Bill No. 193—Education

House Bill No. 194—Veterans' Legislation and Military Affairs

House Bill No. 195—Veterans' Legislation and Military Affairs

House Bill No. 196—Roads and Highways

House Bill No. 197—Ky. Statutes No. 1

House Bill No. 198—Education

House Bill No. 199—Ky. Statutes No. 1

House Bill No. 200—Ky. Statutes No. 1

House Bill No. 201—Ky. Statutes No. 1

House Bill No. 202—Ky. Statutes No. 1

House Bill No. 203—Ky. Statutes No. 1

House Bill No. 204—Ky. Statutes No. 1

House Bill No. 205—Ky. Statutes No. 1

House Bill No. 206—Public Health

House Bill No. 207—Ky. Statutes No. 1

House Bill No. 208—Insurance

House Bill No. 209—Ky. Statutes No. 1

House Bill No. 210—Ways and Means

House Bill No. 211—Ways and Means

House Bill No. 212—Motor Transportation

House Bill No. 213—Ky. Statutes No. 1

House Bill No. 214—Ways and Means

House Bill No. 215—Courts and Legal Procedure

House Bill No. 216—Revenue and Taxation

House Bill No. 217—Public Utilities

House Bill No. 218—Cities of the Second Class

House Bill No. 219—Ky. Statutes No. 2

House Bill No. 220—Ways and Means

House Bill No. 221—Public Health

House Bill No. 222—Ky. Statutes No. 1

House Bill No. 223—Judiciary and Judicial Council

House Bill No. 224—Public Utilities

House Bill No. 225—Labor

House Bill No. 226—Insurance

House Bill No. 227—Cities of the Fifth Class

Senate Bill No. 47—Ky. Statutes No. 1

Senate Bill No. 79—Ways and Means

House Resolution No. 31—Ways and Means

House Resolution No. 32—Agriculture

Mr. Lowman moved that the House adjourn until 1 P. M. Tuesday, February 9, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, FEBRUARY 9, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend J. A. O'Dwyer, Pastor of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Charles W. Buchanan	Thomas P. Fitzpatrick
Walter J. Bailey	Harry M. Caudill	Cabell D. Francis
John Rhea Banton	Cassius M. Clay	W. L. Hadden
Clarence J. Barnum	Paul Cobb	C. Ruby Harralson
Wallace Bartley	William J. Conley	George F. Harris
Charles E. Baumgardner, Sr.	R. Josh Cosby	Harold G. Helm
Owen Billington	Charles W. Craig	David Heskamp
Leo A. Bleemel	W. Marvin Davis	Henry R. Heyburn
J. Murray Blue	John L. Day	Lon C. Hill
J. C. Bradley	C. E. Dowell	Estill R. Hilton
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	Chester J. Holsclaw
Edward O. Bridgers	Harold Edmonds	Varna Holt
John Young Brown	Addison L. Everett	William M. Horn
	Herbert Fern	William L. Jones
		Jennings H. Kearby

Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Monday, February 8, 1954, be dispensed with and same be approved.

Said motion was agreed to.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Taylor moved that Judge L. L. Embry, Mr. Miliam Lake, County Attorney, and Mr. Raymond McQuody, of Ohio County, be given the privilege of the floor.

Said motion was agreed to.

Mr. Mitchell moved that Eddie Joe French, Mary Agnes Byers and Preston Forsythe be made honorary pages.

Said motion was agreed to.

Mr. Craig moved that James Russell Belou, Harry Russell

Johnson, James Albert Mitchell and Pamela Diane Kinsel be made honorary pages.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Ratcliffe.

H. Res. No. 35. A JOINT RESOLUTION eulogizing Harry F. Walters and naming a memorial in his honor.

Said resolution is as follows, viz:

WHEREAS, Judge Harry F. Walters was County Judge of Shelby County from 1934 to 1940, and became a member of this House as the representative from the 57th District, where he ably served from 1940 until 1946, and then became the State's Commissioner of Agriculture, Labor and Statistics in 1947 and served in that capacity until his death on June 16, 1951; and

WHEREAS, Judge Walters, as he was affectionately called by everyone, is to be remembered not only as an able and astute legislator, but above all else a champion of the interests of the Kentucky farmer, and a friend to all; and

WHEREAS, it is the expressed desire of the members of this body that its sorrow and regrets in the passing of Judge Walters be made known to his family and to the people of Shelby County whom he served so well; and

WHEREAS, Judge Walters' homestead adjoins the campus of Lincoln Institute, which became a state institution as a result of his efforts;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. In keeping with the above sentiments, it is the express intent and desire of the members of this body that a suitable building, erected in the future on said campus subject

to the action of the Governor and the State Property and Building Commission, be named as a memorial to Harry F. Walters.

Section 2. It is the sense of this House that a copy of this resolution be forwarded to his widow and family; that a copy be sent to the newspapers in Shelby County, and that it be made a matter of record and spread upon the journal of the House of Representatives.

By Mr. Lowman and Mr. Wathen.

H. B. No. 241. AN ACT relating to compensation of County Officers and Employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to remove doubt as to the meaning of KRS 64.720 and to restate its meaning in clear terms, said section is amended to read as follows:

The fiscal court may authorize payment of compensation out of the county treasury to the county judge and the county attorney, and to any other county officer or employe specifically provided for by law, except elective officers who receive compensation from fees and the deputies of the latter officers.

By Mr. Lowman and Mr. Wathen.

H. B. No. 242. AN ACT to Amend and Re-enact KRS 276.250 relating to the records to be kept of passenger transportation given free or at reduced rates, and the reports thereof to be made to the Attorney General.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 276.250 is hereby amended by striking out paragraph (2) of said section which is as follows:

"Every such common carrier shall, on or before March 1 of each year, file in the office of the Attorney General a statement of all free passes, free transportation and tickets at reduced

rates not common to the public given or issued during the preceding calendar year. The report shall be subscribed and sworn to by the president, general passenger agent or secretary of the carrier, and when filed in the office of the Attorney-General shall constitute a public record."

Said section is hereby re-enacted so that as amended and re-enacted it shall be as follows:

"Every common carrier of passengers, within the meaning of Sec. 197 of the Constitution, shall keep an accurate record of each free pass, free transportation or ticket at reduced rate not common to the public that it has given or issued to any person other than its officers and regular employes and their immediate families. The record shall be kept on a calendar year basis. The record shall state when and to whom each free pass or free transportation was given, the nature and character of the free pass, whether it was a limited or a general pass, for what length of time it was given, and the points from which and to which it was issued. The Attorney-General shall at all times have access to such records."

By Mr. Marcum and Mr. Smith.

H. B. No. 243. AN ACT relating to repossession and sale of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every motor vehicle repossesed by any individual, partnership, association or corporation engaged in the business of making loans upon the sole security of liens upon motor vehicles shall, upon such repossession, sell such motor vehicle in the county in which reposssesed or in the county in which the loan was made.

By Mr. Wiseman, Mr. Martin, Mr. Breathitt, Mr. Sanders, Mr. Cosby, Mr. Morris, Mr. Montgomery, and Mr. McClanahan.

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes and amending Section 132.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Livestock and domestic fowls.

(3) Capital stock of building and loan associations.

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plants for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(5) Unmanufactured agricultural products, (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loan or loans thereon granted by the United States Government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products, except tobacco, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

By Mr. Harris.

H. B. No. 245. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss with no reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to in-

dicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

"(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

By Mr. Dressman.

H. B. No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be, held at two places, and providing for the issuance of revenue bonds for the payment for construction involved therein, and amending Section 23.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any city, or portion of a city, coming within the provisions of KRS 23.060 shall be entitled to the benefits of KRS 23.060 to 23.080, whenever suitable provision is made by the fiscal court for furnishing a courtroom and a safe and suitable vault and depository for all books, papers and records pertaining to the circuit court in such city. Whenever it is made to appear to the circuit judge that the necessary provisions for holding circuit court have been made in the city, the judge, upon application of the city on the first day of the first term after filing the application, shall enter an order directing the latter portion of said term and each term thereafter to be held in the city, and all cases shall be assigned for trial at one or the other of said places.

(2) In counties having a population of less than one hun-

dred and fifty thousand and containing a city of the second class which is not the county seat and in which city the fiscal court does not own, operate or maintain a courthouse, where terms of the circuit court are held in both the county seat and the city of the second class, the fiscal court shall provide quarters for all courts and county officers in said city of the second class and in the county seat. The fiscal court may acquire land for the purpose of constructing a courthouse, and may issue bonds to provide for the payment of said construction, or it may contract with the city of the second class for the rent or lease of suitable quarters for the holding of court and the offices for county officers, the terms of the lease to be agreed upon by the fiscal court of such county and the governing body of such city.

By Mr. Wiseman, Mr. Martin, Mr. Breathitt, Mr. Sanders, Mr. Morris, Mr. Cosby, and Mr. McClanahan.

H. B. No. 247. AN ACT relating to state ad valorem taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

An annual ad valorem tax for state purposes of five cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and five cents upon each one hundred dollars of value of all tobacco directed to be assessed for taxation, and twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and twenty-five cents upon each one hundred dollars of value of unmanufactured agricultural products, except tobacco, and fifty cents upon each one hundred dollars of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other section providing a different tax rate for particular property.

By Mr. Wathen.

H. B. No. 248. AN ACT relating to fees of county clerks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

For work performed in connection with the settlement of estates, the fee of county clerks may be one-tenth of one percent of the first twenty-five thousand dollars and one-twentieth of one percent of the amount in the excess of thirty-five thousand dollars of the gross estate. In no case shall the fee be less than three dollars or more than one hundred dollars. The fee herein provided for shall be in lieu of other fees now provided by law for county clerks for this purpose.

By Mr. Kearby.

H. B. No. 249. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss with no reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common

carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

"(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

By Mrs. Stovall, Mr. Wirsch, Mr. Hilton, Mr. Bailey, and Mr. Edmonds.

H. B. No. 250. AN ACT relating to time.

Said bill is as follows, viz:

WHEREAS, the Commonwealth of Kentucky is now located in two Standard Time Zones with resulting confusion in business affairs and other matters; and

WHEREAS, during certain periods of the year various localities adopt Daylight Saving Time resulting in the compounding of the usual confusion; and

WHEREAS, it would be beneficial to each and every individual in this Commonwealth for the whole of the Commonwealth to have the same standard of time.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard of time which shall prevail in the whole of this Commonwealth shall be Standard Eastern Time.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

By Mr. Bridgers.

H. B. No. 251. AN ACT relating to operation of aircraft for hire.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any person operating an aircraft for hire to land such aircraft upon public property of the Commonwealth, a county, city or other political subdivision or to leave such aircraft upon such property without having obtained permission to do so from the proper authority. It shall further be unlawful to leave any such aircraft on such property for a time in excess of that prescribed by the governing authority of such property.

Section 2. Any person violating the provisions of Section 1 of this Act shall be fined not less than fifty nor more than one hundred dollars or imprisoned for not less than ten nor more than ninety days or both so fined and imprisoned.

By Mr. Wathen.

H. B. No. 252. AN ACT relating to juries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The county judge of each county shall, at his first regular term of court each year, appoint as jury commissioners for one year, three intelligent and discreet housekeepers of the county over twenty-one years of age, resident in different portions of the county, having no action in court requiring the intervention of a jury, and who have not served as jury commissioners in the past year. They shall be sworn in open court to faithfully discharge their duty. If any commissioner cannot serve or cannot complete his service, the judge may appoint another person of like qualifications in his place.

(2) The commissioners shall meet at such time as will enable them to complete their duties by the time specified in Section 8 of this Act for the county judge or judges of inferior courts to draw names for jury service. The commissioners shall remain in session for no longer than two days. They shall hold their meetings in a room designated by the judge. While engaged in making lists of juries, selecting the names and writing, depositing or drawing them from the drum no person shall be permitted in the room with them.

(3) Judges of all courts inferior to the circuit court may either utilize the services of the jury commissioners appointed by the county judge under subsection (1) of this section or those commissioners appointed by the circuit judge under KRS 29.050. The jury commissioners so used shall remain in session no longer than two days.

Section 2. Each jury commissioner shall receive for his services five dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by the State Treasurer upon the warrant of the Department of Finance.

Section 3. (1) The jury commissioners shall take the last returned tax commissioner's book for the county; except in counties containing a city of the second class and a court of continuous session, in which counties the jury commissioners shall take the last returned registered election voters' book for the county or last returned tax commissioner's book; and from it shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than eighty-one nor more than one hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than eighty-one nor more than one hundred and fifty.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than two hundred and fifty nor more than three hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, five hundred.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, one thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 4. (1) When the commissioners have completed the filling of the drum, they shall lock the drum and deliver it and the key, and all slip cases not used, to the judge of the court for which the drum has been filled, who shall deliver the drum and the slip cases to the circuit clerk in open court and at the time administer to him and his deputies the following oath: "You do solemnly swear that you will not open this drum except in open court under the direction of the judge of this court, and that you will not open the sealed envelopes containing the lists of petit jurors, for the session of this court to be held in the month of _____ in the year of _____, until the time fixed by law; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit for trial in this court, at its next term, unless by leave of court."

If the clerk subsequently, in vacation, appoints a deputy he shall administer to him a like oath.

(2) No person, except as authorized by statute, shall open, unlock or break into, or in any way willfully injure the drum or lock, or willfully open or break the seal of an envelope containing jury lists.

Section 5. If at any time it appears to the judge of any court that the names in the drum for the court will be exhausted before the next annual selection of commissioners, the judge, by an order entered of record, shall reconvene the commissioners. They shall select and place in the drum, as provided in KRS 29.070, the number of names of qualified grand and petit jurors stated in the order of the judge reconvening them, and the judge may, if he deems it necessary, require by an order of court the attendance of one of the commissioners at the time that the judge makes up the lists of juries for his court, as hereinafter provided.

Section 6. Except when in custody of the commissioners or the judge, the drum, its contents, and all cases not in use shall be carefully kept by the clerk, but the key to the drum, except when in use by the commissioners, shall be kept by the judge of the court. If at any term of court at which a jury is to be drawn the judge cannot attend, he shall transmit the key by some reliable person or express company to the pro tem judge of the court, who shall, immediately at the close of the term, transmit the key by express or some reliable person to the regular judge. When the key is transmitted by a person he shall be sworn to promptly carry and deliver it to the judge to whom sent, without exhibiting it to any other person or permitting it to get out of his possession.

Section 7. The drums, locks, keys and cases shall be selected by the Auditor of Public Accounts, Secretary of State and Attorney-General, and may vary in size to suit the wants of each county. They shall be paid for by the respective counties out of the county levy as other claims are paid, and when any of them become unfit for use or are destroyed, others shall be supplied by the county as soon as practicable thereafter.

Section 8. The judge of the county or inferior court shall, in open court, on a day at least three days next before the day upon which they shall be summoned to appear, draw from the

drum a sufficient number of names to procure twelve persons qualified to act as jurors, record the names of the twelve qualified on paper, certify and sign it.

Section 9. The judge shall place the list of names drawn in an envelope, seal and endorse it so as to show that the envelope contains the jury list and the month and term for which the jurors are selected and the date of selection, and sign his name across the seal. Immediately after drawing the names the judge shall lock the drum. The judge shall deliver the list and the drum to the clerk if there be one, and at the same time administer to the clerk the oath prescribed in subsection (1) of section 4 of this Act. The judge shall also deliver a copy of the list to the sheriff who shall summon the jurors.

Section 10. Subsection (3) of Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(3) In courts inferior to the circuit court, each juror shall be paid two dollars for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Section 11. Subsection (4) of Section 29.390 of the Kentucky Revised Statutes is repealed.

By Mr. Martin.

H. B. No. 253. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has

been and is being carried on at a loss with no reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

"(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

By Mr. Bridgers.

H. B. No. 254. AN ACT relating to the organization and government of cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 83.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be the following executive departments

in cities of the first class: A department of public works, a department of public safety, a department of public finance, a department of public welfare, a department of public parks and recreation, a department of law, a department of traffic engineering, a department of sanitation and a department of building and housing inspection. The board of aldermen of any city of the first class, whenever, in its opinion, necessary and proper for the efficient administration of governmental matters of such city and the performance of the duties enjoined upon such city, may by ordinance establish one or more additional executive departments. The board of aldermen shall designate the duties and powers of departments so established by ordinance and, notwithstanding the provisions of any statute to the contrary, may transfer to any such department duties and powers assigned and granted by statute to one or more of the executive departments established by this Section. Each executive department, whether established by this Section or by ordinance, shall have the powers provided for in and be governed by the general provisions of KRS 61.250, 83.180 to 83.300, 91.120, 91.280 and 91.300 and shall be under the supervision and direction of a director who shall be appointed by the mayor, and the said directors of departments so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office, but not by any officer who may merely for the time be filling the office of mayor in the absence or during the temporary disability of the regularly elected or appointed mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said cities and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until they resign or are removed as herein provided.

Section 2. The department of sanitation shall have exclusive control, under city ordinances, of all matters pertaining to the collection and disposal of public or private means of garbage, waste, rubbish and other refuse within such city, the cleaning of

the public ways within such city, and such other matters as are placed under its control by ordinance.

Section 3. The department of building and housing inspection shall have control, under city ordinances, of the enforcement of zoning ordinances and ordinances regulating matters connected with the construction, reconstruction and alteration of buildings and structures, the enforcement, solely or in cooperation with other public authorities and city departments, of ordinances regulating health, sanitary and general living conditions and the prevention of fire in houses, dwellings and buildings and regulating and providing for the rehabilitation of blighted and slum areas, the inspection, repair, closing and demolition of unfit dwellings, and such other matters as may be placed under its control by ordinance. The department, for administrative purposes, may be divided into such divisions as may be found necessary for the proper and efficient performance of the duties of the department.

Section 4. Section 93.050 of the Kentucky Revised Statutes is amended to read as follows:

The department of public works shall, except as otherwise provided by law, have exclusive control of the construction, reconstruction, repairing, platting, improving, and use of all public ways, market houses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals and streams, and other matters provided by statute, or by ordinance not inconsistent with this Chapter.

By Mrs. Stovall.

H. B. No. 255. AN ACT relating to the regulation of buildings, dwellings and structures by cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to protect the health, safety and general welfare of its citizens and the public at large, a city of the first class may enact and enforce ordinances regulating the construction, reconstruction, alteration, maintenance, sanitation, sanitary facilities, inspection, rehabilitation, safety and

control of, and the prevention of fire in, buildings, dwellings and structures of all types and descriptions, whether used for human habitation or otherwise, within such city.

Section 2. Sections 101.010, 101.020, 101.030, 101.040, 101.050, 101.060, 101.070, 101.080, 101.090, 101.100, 101.110, 101.120, 101.130, 101.140, 101.150, 101.160, 101.170, 101.180, 101.190, 101.200, 101.210, 101.220, 101.230, 101.240, 101.250, 101.260, 101.270, 101.280, 101.290, 101.300, 101.310, 101.320, 101.330, 101.340, 101.350, 101.360, 101.370, 101.380, 101.390, 101.400, 101.410, 101.420, 101.430, 101.440, 101.450, 101.460, 101.470, 101.480, 101.490, 101.500, 101.510, 101.520, 101.530, 101.540, 101.550, 101.560, 101.570, 101.580, 101.590, 101.600, 101.610, 101.620, 101.630, 101.640, 101.650, 101.660, 101.670, 101.680, 101.690, 101.700, 101.710, 101.720, 101.730, 101.740, 101.750, 101.760, 101.770, 101.780, and 101.990 of the Kentucky Revised Statutes are repealed.

By Mr. Barnum.

H. B. No. 256. AN ACT concerning the finance and revenue of cities of the first class and agencies thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of aldermen, in its annual levy of taxes, shall make such separate levies as are required by law or as the board deems necessary or desirable, and a general levy in such amount as in its judgment is necessary and advisable. The amounts levied shall be collected and paid to the city, the amount of each separate levy being carried to the credit of the agency for which levied, and the amount of the general levy being credited to the general fund of the city. The amount of any separate levy to be credited to any agency shall not be diverted from it, or used for any purpose other than that specified by the levy, but shall, except as otherwise provided by law, remain as a separate fund in the hands of the director of finance.

(2) In the ordinance or ordinances fixing the tax rates for any year, the board of aldermen shall subdivide the levy as follows:

(a) Separate levies for each agency for which a separate levy is to be made.

(b) A general levy for general city purposes.

The board of aldermen shall cause the foregoing levies to be made for the purposes stated, by the ordinance or ordinances fixing the tax rates each year.

(3) If in any year the board of aldermen fails to pass a levy ordinance or ordinances, or if the levy ordinance or ordinances is or are invalid or inoperative, the rates of taxation for that fiscal year shall be the same as for the year before, item for item.

Section 2. Section 90.230 of the Kentucky Revised Statutes is amended to read as follows:

The legislative body of each city of the first class is hereby empowered and authorized to pass such ordinances and provide such appropriations as are necessary to effectuate the purposes of KRS 90.110 to 90.240.

Section 3. Subsection (1) of Section 95.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police and fire divisions of the department of public safety and their dependents, may appropriate funds for the purpose of paying such pensions, may allot and pay to the policemen's pension fund or the firemen's pension fund or either or both of them all fines and forfeitures imposed upon members of the respective divisions, and may provide for, assess and collect contributions from the members for the benefit of the fund.

Section 4. Section 97.700 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide sufficient funds for maintaining the memorial and for carrying on the work of the commission the

city legislative body shall annually appropriate from the general fund of the city such sums as in the judgment of the legislative body shall, when supplemented by any funds received by the commission from gifts or earnings of the memorial, be reasonably necessary for such purposes. All monies so appropriated may be paid over to the commission by the director of finance of such city in regular monthly installments. If it appears from the report or statement of the commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate for the purpose, the appropriation for such year may be withheld by the legislative body.

Section 5. Section 97.710 of the Kentucky Revised Statutes is amended to read as follows:

Except with the approval of the city legislative body, the commission shall not incur for maintenance purposes of the memorial, or permit the incurrence of, any liability or expense exceeding the total funds derived or to be derived for any fiscal year by appropriation from the city for such year, supplemented by income from the memorial and by donations in money or property reduced to money made to the commission for maintenance purposes.

Section 6. Section 97.720 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal year of the commission shall be the same as that of the city. The commission shall, each May, prepare and certify to the mayor, to be by him transmitted to the legislative body, a statement showing the total funds that, in the judgment of the commission, will be needed for maintaining the memorial for the ensuing fiscal year; setting forth in detail the sums needed for the different classes of expenditure; setting forth the estimated balance that will be on hand on the first of July following the certification of the statement and available for expenditure during the ensuing fiscal year for maintenance purposes; and indicating, as nearly as possible, what additional assets other than those derived from the city appropriation will become available for maintenance purposes for the ensuing fiscal year.

(2) The legislative body, in making the appropriation for maintenance purposes, shall take into consideration the amount of funds held or derived by the commission from donations for maintenance purposes. The commission may set aside and retain from year to year, out of the maintenance funds derived by gift or appropriation, a reasonable fund to be known as an "improvement and replacement fund," to cover needed improvements, replacements and equipment for, and depreciation of, the memorial. The funds shall be placed at interest in a bank of the city, with the mayor's approval, or invested in United States government interest-bearing bonds, or bonds of the city or any of its instrumentalities. The amount set aside each year for such purposes shall be made with the approval of the mayor, and shall be held and used as occasion requires as a further memorial building and improvement fund to improve and further equip the memorial, and for replacement purposes if the memorial or any portion of it is destroyed by casualty or decay. The cost of ordinary repairs shall be paid for out of maintenance funds.

Section 7. Subsection (1) of Section 173.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to provide funds for the establishment and maintenance of a library established as provided in KRS 173.030, the legislative body of a city of the first class shall annually appropriate from the general fund of the city such sum as in the judgment of the legislative body shall be reasonably necessary for such purposes. Monies so appropriated shall be credited to the library fund of the city, and may be paid over to the board of trustees by the director of finance of such city in regular monthly installments.

By Mr. Murphy.

H. B. No. 257. AN ACT relating to the finance and revenue of boards of registration commissioners of cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 117.705 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to meet the expenses of the board of registration commissioners, the legislative body of each city of the first class shall annually appropriate from the general fund of the city such sums as in the judgment of such legislative body shall be reasonably necessary for such purposes. Funds so appropriated may be paid over to such board by the director of finance of such city in regular monthly installments and shall be receipted for by the board.

By Mr. Holsclaw.

H. B. No. 258. AN ACT relating to the finance and revenue of municipal universities in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 165.030 of the Kentucky Revised Statutes is amended to read as follows:

The board of aldermen of a city of the first class having a municipal university may make an annual appropriation from the general fund of the city for the support of such university. Such appropriation shall be such sum as in the judgment of the board of aldermen shall, when supplemented by other income of the university, be reasonably necessary for such purposes.

Section 2. Section 165.040 of the Kentucky Revised Statutes is amended to read as follows:

The funds appropriated by the board of aldermen of a city of the first class as provided in KRS 165.030 may be paid to the treasurer of the university by the director of finance of the city in regular monthly installments.

Section 3. Section 165.050 of the Kentucky Revised Statutes is amended to read as follows:

The board of aldermen of a city of the first class having a municipal university may devote to university purposes funds derived from other sources as well as from taxes levied for general city purposes.

By Mr. Baumgardner.

H. B. No. 259. AN ACT relating to tax levies and appropriations by cities for the maintenance, operation and improvement of park and recreational areas acquired under Section 97.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 97.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city except a city of the first class may provide funds for the maintenance, operation and improvement of any area acquired under KRS 97.060 by the levy of a tax or by appropriation from the general fund of the city, and may accept donations from private persons or governmental agencies for such purposes.

(2) Any city of the first class may provide funds for the maintenance, operation and improvement of any area acquired under KRS 97.060 by appropriation from the general fund of the city, and may accept donations from private persons or governmental agencies for such purposes.

By Mr. Bridgers.

H. B. No. 260. AN ACT relating to the finance and revenue of joint city-county boards of health of cities of the first class and counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 212.470 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide sufficient funds for carrying out the purposes of KRS 212.350 to 212.620, the fiscal court of the county shall annually appropriate money from the general fund of the county and the legislative body of the city shall annually

appropriate money from the general fund of the city. The appropriations shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board in regular monthly installments. In the event the sums derived from said appropriations, together with funds otherwise available from any other source to the board during any fiscal year, for its necessary expenditures in the maintenance and operation of said board, exceed its need for such expenditures during such fiscal year, any such unexpended funds at the end of such fiscal year shall be carried forward by the board to be used in paying for its operating costs and expenses for the ensuing year. The board of education in the city and the board of education in the county may make payments to the board for school health services provided by the board for children of school age, resident in the city and the county respectively, which shall not be in excess of the cost thereof.

Section 2. Section 212.450 of the Kentucky Revised Statutes is amended to read as follows:

The board shall not incur nor permit the incurrence of any indebtedness, in any manner or for any purpose, in an amount exceeding, in any fiscal year of the board, the income and revenue provided for such year through the appropriations provided for in KRS 212.470 for the purposes of KRS 212.350 to 212.620, and funds derived from other sources, without the assent of two-thirds of the voters in such county, including the voters in the municipalities located in such county, voting at an election called and held for that purpose in accordance with the provisions of KRS 66.120 and 66.130; and any indebtedness contracted in violation hereof shall be void and neither such city nor such county shall be liable therefor.

Section 3. Section 212.520 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal year of the board shall begin on July 1 of each year and shall end on June 30 of the following year. It shall be the duty of the appointive members of the board, during or before the month of May of each year, to prepare and certify

to the fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which, in the judgment of the appointive members of the board, will be needed for its various departments, together with a statement showing the estimated balance, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as nearly as may be possible, what additional funds or assets, other than appropriations, will be or become available for expenditure during said year. The board shall also furnish to said fiscal court and said legislative body any other information or data available to it which said fiscal court or said legislative body may request.

Section 4. Section 212.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the respective appropriations have been duly made by the city and county and an estimate of the amount of monies that the board will receive from appropriations and from any and all other sources, for a fiscal year has been made, the board shall prepare and certify to the fiscal court of the county and the legislative body of the city for their approval, a revised financial budget setting forth the total amounts of funds available from all sources for expenditures during the board's fiscal year, and also setting forth, in as great detail as possible with respect to each administrative division, the estimated expenditures of the board for said fiscal year.

(2) A contingent fund for unanticipated expenditures may, with the approval of the fiscal court of the county and the legislative body of the city, be established in order to provide for such contingent and unanticipated needs as may arise during the board's said fiscal year and to supplement allotments to divisions which may require the same. The board, as nearly as may be practicable, shall make all disbursements and expenditures in each fiscal year in conformity with the revised budget allotments; but in the event of an emergency the board may, with the approval of the fiscal court and the legislative body of the city, reduce, withhold or transfer from one division to another, funds or assets so allotted.

Section 5. Section 212.560 of the Kentucky Revised Statutes is amended to read as follows:

The board shall have the power to borrow money on its own credit in anticipation of the revenue to be derived from appropriations provided for herein or of funds to be derived from other sources during the fiscal year in which the same is borrowed; and for such purpose the board may pledge said appropriations and funds, the collection and payment of which is anticipated during such year.

By Mr. Anderson.

H. B. No. 261. AN ACT relating to the finance and revenue of joint city-county children's homes in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 201.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to provide money for the purchase of property and the construction and equipment of buildings for the home, the fiscal court of the county may make an annual appropriation from the general fund of the county, and the legislative body of the city of the first class may make an annual appropriation from the general fund of the city. The appropriations, when in the judgment of the fiscal court and the legislative body of the city reasonably necessary for such purposes, shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board in regular monthly installments.

(2) Whenever the board is able to raise sufficient funds for carrying out the purposes of this Chapter by the use, lease, sale, exchange, mortgage or pledge of property which has been conveyed to the board, the appropriations mentioned in subsection (1) of this Section shall not be made. The action of the

board in making such sale, exchange, mortgage or pledge, must be approved by the county judge and the mayor of such city.

(3) The appropriations made under this Section shall not be expended by the board for any purpose other than that provided in subsection (1) of this Section.

Section 2. Section 201.170 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide money for maintaining the home and for carrying out the purposes of this Chapter other than those named in KRS 201.160, the fiscal court of the county in which the home is established may make an annual appropriation from the general fund of the county, and the legislative body of the city of the first class may make an annual appropriation from the general fund of the city. The appropriations, when in the judgment of the fiscal court and the legislative body of the city reasonably necessary for such purposes, shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board by the county and the city in regular monthly installments, but shall not be expended by the board for any purpose other than those mentioned in this Section.

Section 3. Section 201.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal year of the board shall begin on the first day of July in each year and end on June 30 next following. During the month of May of each year the board shall prepare and certify two financial statements to the fiscal court and the city legislative body.

(2) One statement shall show the amount of money that the board estimates will be needed for the ensuing fiscal year for expenditure under KRS 201.160, and set forth in detail the sums needed for the different branches or departments of the expenditures. This statement shall also show the estimated balances which will be on hand at close of business June 30 of that year and available for expenditure during the next succeeding fiscal year under KRS 201.160, and shall indicate

as nearly as possible any additional funds or assets, other than those derived from appropriations, that will become available for expenditure during said fiscal year.

(3) The other statement shall set forth the estimated balances, inventories, funds, assets and expenditures under KRS 201.170, in the same manner and detail as is required in the statement described in subsection (2).

(4) The board shall also furnish the fiscal court and city legislative body with any other information or data available to it which the fiscal court or the legislative body may request.

Section 4. Section 201.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the fiscal court of the county and the city legislative body make the appropriations authorized by KRS 201.160 and 201.170, the board shall prepare and certify to the fiscal court of the county and the legislative body of the city for their approval:

(a) A revised budget setting forth the receipts, funds and assets from all sources, available and estimated to become available for expenditure during the next succeeding fiscal year, for the purposes named in KRS 201.160, and the estimated expenditures by branches or departments for such year under KRS 201.160; and

(b) A revised budget setting forth the estimated receipts, funds and assets from all sources available and estimated to become available for expenditure during the next succeeding fiscal year for the purposes named in KRS 201.170, and the estimated expenditures by branches or departments for such year under KRS 201.170.

(2) In making the revised budgets, the board shall allocate the revenues and assets estimated to be and to become available for such fiscal year, to the various branches or departments of expenditures to be made under KRS 201.160 and 201.170 respectively, and in making disbursements and expenditures for such fiscal year, the board shall conform thereto, but in the event of an emergency, the board, with the approval of the county judge and the mayor, may deviate therefrom.

(3) The board shall inaugurate and maintain a modern and efficient accounting system in the home.

Section 5. Section 201.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall not in any one year, expend for the maintenance of the home and the carrying out of the purposes of this Chapter, more than the total sum derived through the appropriations for the year as provided in KRS 201.170, as supplemented by funds given to the board for such purposes and the funds derived from the sale or income of property given to the board for such purposes and by the income of the home for the year.

(2) The board may borrow money on its own credit in anticipation of the revenue to be derived from appropriations or other income for the fiscal year in which the money is borrowed. For such purpose, the board may pledge the appropriations authorized under KRS 201.160 and 201.170. No money borrowed through the pledge of appropriations authorized under KRS 201.160 shall be expended for any purposes other than those named in that Section; and no money borrowed through the pledge of appropriations authorized under KRS 201.170 shall be expended for any purposes other than those named in that Section.

By Mr. Conley.

H. B. No. 262. AN ACT relating to the finance and revenue of joint city-county air boards in counties of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 183.190 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide money for the purchase of lands and other property necessary for the establishment of airports, and to establish, equip and maintain necessary buildings for the purposes of airports, the fiscal court of the county in which such airports exists may make an annual appropriation from the gen-

eral fund of the county, and the legislative body of each city of the first class within such county may make an annual appropriation from the general fund of such city. The appropriations, when in the judgment of the fiscal court and such legislative bodies reasonably necessary for such purposes, shall be made by the county and such cities in such amounts, in such proportion and upon such terms as the fiscal court of the county and the legislative bodies of such cities may agree and provide. All funds derived from such appropriations shall be turned over to the board for the purposes set forth in KRS 183.150. Monies so appropriated may be paid over to the board by the county and the cities in regular monthly installments.

Section 2. Section 183.200 of the Kentucky Revised Statutes is amended to read as follows:

The board may borrow money on its own credit in anticipation of the revenue to be derived from appropriations or other income for the fiscal year in which the money is borrowed, and for such purposes the board may pledge the appropriations, if any, authorized under KRS 183.190.

By Mr. Anderson.

H. B. No. 263. AN ACT relating to the giving of notice to cities of claims for injuries growing out of defects in public ways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.110 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be maintained against any city in this state because of any injury growing out of any defect in the condition of any bridge, street, sidewalk, alley or other public thoroughfare, unless notice has been given to the mayor, city clerk or clerk of the board of aldermen in the manner provided for the service of notice in actions in the Rules of Civil Procedure. This notice shall be filed within ninety days of the occurrence for which damage is claimed, stating the time of and place where the injury was received and the character and circum-

stances of the injury, and that the person injured will claim damages therefor from the city.

By Mr. Walsh.

H. B. No. 264. AN ACT relating to advertisement for bids for repairs to school buildings and for purchase of supplies and equipment for schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 162.070 of the Kentucky Revised Statutes is amended to read as follows:

The contracts for the erection of new school buildings and additions and repairs to old buildings, except repairs not exceeding one hundred fifty dollars, shall be made by the board of education to the lowest and best responsible bidder complying with the terms of the letting, after such advertisement for competitive bids as the board determines, but the board may reject any or all bids. All necessary specifications and drawings shall be prepared for all such work. The board shall advertise for bids on all supplies and equipment that it desires to purchase, except where the amount of the purchase does not exceed two hundred fifty dollars, and shall accept the bid of the lowest and best bidder, but the board may reject any and all bids. In independent school districts of cities of the first class and in county school districts of counties containing a city of the first class, no advertisement for bids for repairs shall be necessary unless the amount involved exceeds two thousand dollars, and no advertisement for bids for supplies and equipment shall be necessary unless the amount involved exceeds one thousand dollars.

By Mr. Walsh.

H. B. No. 265. AN ACT relating to the control of Air Pollution.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 77.155 of the Kentucky Revised Statutes is amended to read as follows:

(2) A person shall not by himself, his agent or employe, or as agent or employe of another, discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The board shall have power, by regulation, to fix reasonable limits, by weight or otherwise, for particular air contaminants or other material which in the opinion of said board may cause or have tendency to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. Exceeding such limits shall be prima facie evidence of violation of this Section.

Section 2. Section 77.215 of the Kentucky Revised Statutes is amended to read as follows:

The air pollution control officer may, at any time, require from any person who operates any plant or uses any article, machine, equipment, or other contrivance specified by the regulations of the air pollution control board or this Chapter, the use or operation of which may cause the issuance of an air contaminant, or may require from an applicant for, or holder of any permit provided for by the regulations of the air pollution control board, such information, analysis, plans or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

Section 3. Section 77.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person who violates any provision of KRS 77.155 or 77.165 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars nor less than ten dollars for each offense. Every day or any portion thereof during which any violation of these Sections occurs or continues shall constitute a separate offense.

(2) Every person who violates any provision of KRS 77.180 to 77.240 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars nor less than ten dollars for each offense.

By Mr. Harris.

H. B. No. 266. AN ACT relating to the fees of jailers; amending Section 64.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding ---------- $2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day ---------- 2.00

Putting a prisoner in irons for an offense other than a felony or contempt, besides the cost of irons ---------- .50

Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day ---------- 1.75

Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court per day ---------- 1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ---------- .60

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and

dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .60

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ---------- .50

Each day's attendance upon the circuit court ---- 2.00

Furnish fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Section 2. This Act shall take effect on the first Monday in January, 1955.

By Mr. Lowman.

H. B. No. 267. AN ACT relating to compensation of public officers and employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.640 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) Except as otherwise provided in subsection (2) of this Section, and excepting officers elected by popular vote, commissioners of the Court of Appeals, employees of the General Assembly, including employees of the Legislative Research Commission, members of boards and commissions, and Presidents and employees of the University of Kentucky and the state colleges, the Division of Personnel in the Department of Finance

shall prepare a schedule of compensation, payable out of the State Treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employee, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Division of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 42.120. No such schedule shall become effective until it has been approved by the Governor.

(2) The Governor shall set the compensation payable out of the State Treasury to each office or position in the state service hereinafter named but such compensation shall not exceed the maximum sums listed herein:

(a) Commissioner of Conservation, Commissioner of Economic Security, Commissioner of Finance, Commissioner of Health, Commissioner of Highways, Commissioner of Mental Health, Commissioner of Revenue—$12,000

(b) Adjutant General, Administrator of Distilled Spirits Unit, Administrator of Malt Beverages Unit, Chief of the Department of Mines and Minerals, Commissioner of Aeronautics, Commissioner of Alcoholic Beverage Control, Commissioner of Banking, Commissioner of Fish and Wildlife Resources, Commissioner of Industrial Relations, Commissioner of Insurance, Commissioner of Motor Transportation, Commissioner of State Police, Commissioner of Welfare, Director of the Kentucky Crippled Children's Commission, Director of Strip Mining and Reclamation, Executive Director of the Agricultural and Industrial Development Board, Executive Director of State Property and Buildings Commission, Executive Director of the State Tuberculosis Sanatoria Commission, Manager of the Kentucky State

Fair, Private Secretary to the Governor, Revisor of the Statutes—$10,000

(c) Heads of statutory departments and agencies other than those named in paragraphs (a) and (b) of this subsection—$7,500

(3) Except with respect to physicians as provided for in KRS 64.655, the compensation payable out of the State Treasury to officers and employees subordinate to any office or position listed in subsection (2) shall not exceed the maximum rate established pursuant to subsection (2) for such office or position.

(4) The compensation payable out of the State Treasury to any subordinate officer or employee in any department, agency, board or commission of the state government not covered by subsection (3) and except elective officers and their employees, shall not exceed $7,500 per annum.

(5) Nothing in this Section shall preclude the allowance of maintenance to officers and employees of the state.

Section 2. Section 64.650 of the Kentucky Revised Statutes is repealed.

By Mr. Clay.

H. B. No. 268. AN ACT relating to and prohibiting except upon certain conditions, the damming and diverting of water from stretches of navigable streams on which are located dams of fourth-class cities which operate waterworks dependent upon such dams.

Said bill is as follows, viz:

WHEREAS, due to increases in population and periodic drouths certain cities of the fourth class are faced with increasingly serious shortages in water supply for waterworks which they own and operate;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subject to the provisions of KRS 104.390 to 104.440, no

person shall construct or maintain any dam across any stretch of a navigable stream lying between two dams maintained by any city of the fourth class for a water supply for a waterworks owned and operated by it, nor shall any person, except for ordinary household or livestock uses, divert any water from any stretch of navigable stream lying between two such dams or out of a reservoir formed by any such dam so maintained by any city of the fourth class for the purpose aforesaid, unless application shall first be made to, and approval secured from, the legislative authority of the fourth-class city affected, which authority may grant approval for a limited period or periods and upon such terms and conditions as it may deem advisable or expedient to protect the water supply of the city.

By Mr. Hill.

H. B. No. 269. AN ACT relating to junk dealers and the purchasing of certain copper commodities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall, except licensed junk dealers as provided in sections 2 and 3 of this Act, barter, purchase, exchange, buy or accept from any person whatsoever, except plumbers, the owner or owners of buildings from which the material is taken, coal companies, industrial, manufacturing and public utility companies, or the authorized agents of such companies, lawful owers and licensed junk dealers, copper wires, cables, copper trolley wire, aluminum wire, brass bearings or fittings or lead, shipped or delivered from points within this Commonwealth.

Section 2. Every licensed junk dealer purchasing any of the items named in section 1 of this Act from the excepted persons named therein, shall accurately list such purchase in a permanent record showing the kind and character of junk purchased, date of purchase and from whom purchased, which record shall be open to the inspection of all law enforcement officers.

Section 3. No licensed junk dealer shall purchase any of the items named in Section 1 of this Act from the excepted per-

sons named therein, without securing from the seller a bill of sale, receipt or other proof of lawful ownership, which shall be retained by such purchaser or dealer, and such purchaser or dealer shall list in a record book the full name and address of the seller, a complete description of the kind and character of the junk or material purchased, the hour and day purchased, and the license number of any automobile or truck which may be used in making delivery of such junk or materials, which record shall be open to the inspection of all law enforcement officers, and be preserved for a period of not less than one year.

Section 4. Every nonresident junk dealer, before transporting from the Commonwealth any of the items named in Section 1 of this Act, shall file with the sheriff of the county where such purchase was made a complete description of the property he proposes to transport from the Commonwealth, showing the date of purchase, the names of the buyer and seller, the party to whom consigned, and the license number of any automobile or truck which may be employed in transporting such junk or materials.

Section 5. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined not less than one hundred nor more than five hundred dollars: Provided, however, that when any person other than the lawful owner shall take, transport, sell or offer for sale any such junk or items named in Section 1 of this Act of a scrap value of less than twenty dollars, it shall constitute petit larceny, and where the scrap value of such items is twenty dollars or more it shall constitute grand larceny.

By Mr. Conley.

H. B. No. 270. AN ACT relating to places of entertainment, including in the definition thereof any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, fortuneteller, palmist, phrenologist, spiritualist, or like activity, prohibiting certain conduct on the premises, providing an additional ground for revocation of the permit, amending sections 231.010 and 231.110 of, and adding a new section to, the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 231.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter place of entertainment means a roadhouse, place offering intoxicating or non-intoxicating drinks for sale, tourist camp or place of public entertainment at which people assemble to eat, drink, dance, bathe, or engage in any game or amusement, or any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, palmist, phrenologist, spiritualist, or like activity, or one who with or without the use of cards, crystal ball, tea leaves, or any other object or device, engages in the practice of telling the fortune of another (but this last clause shall not be construed to apply to persons pretending to tell fortunes as part of any play, exhibition, fair or amateur show presented or offered by any religious, charitable, or benevolent institution). It shall not mean a private home at which bona fide guests are entertained, places of business conducted only as filling stations for motor vehicles or grocery stores, nor transient or temporary entertainment such as circuses, carnivals and county fairs.

Section 2. Section 231.110 of the Kentucky Revised Statutes is amended to read as follows:

No person who has been granted a permit shall allow:

(1) Drunken, disorderly or boisterous persons, or persons of lewd or lascivious reputation to congregate in or about the premises.

(2) People to congregate there for immoral or unlawful purposes or to permit any man or woman who are not married to each other to occupy any cabin, cottage or secreted room or place from which the view of the public is excluded.

(3) The premises to be used as a place of assemblage or entertainment at later hours than those which are stated in the permit or recorded on the order book of the county court.

(4) Engaging in fortunetelling at any location except that specifically stated in his permit.

(5) Engaging in fortunetelling without first posting in a conspicuous place, both inside and outside the premises at which he is authorized to engage in fortunetelling, and without first filing with the county clerk of the county in which the premises are located, a schedule showing in detail the fees charged for readings, predictions, and services of any nature.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

The conviction of the owner or manager of a place of entertainment for violation of the alcohol beverage control laws may be an additional ground for revocation and forfeiture of the place of entertainment permit by the county court.

By Mr. Rogers.

H. B. No. 271. AN ACT proposing an amendment to Section 42 of the Constitution of Kentucky, relating to compensation of members and length of sessions of the General Assembly.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 42 of the Constitution of Kentucky be amended to read as follows:

The members of the General Assembly shall severally receive from the State Treasury compensation for their services which shall be two thousand five hundred dollars per annum, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: Provided, The same may be changed by law; but no change shall take effect during the session of which it is made. Each session of the General Assembly shall begin on the first Tuesday after the first Monday of each year, and shall remain in session until adjourned by majority vote of the membership of both Houses, but not later than midnight, December 31, of the year in which it convened. The General Assembly shall meet at the seat of the state government, except in case of war, insurrection or pestilence, in which case it may be held at such other place as the Governor shall proclaim.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. McCallum.

H. B. No. 272. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss with no reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with

less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

"(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

By Mr. McCallum.

H. B. No. 273. AN ACT relating to amateur radio operators.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) All amateur radio operators residing in this state and holding license issued by the Federal Communications Commission may register their names and addresses and license number with the Division of Civil Defense in the Department of Military Affairs within sixty days of the effective date of this Act or within sixty days after being licensed, and shall pay a fee of five dollars at the time of registration.

(2) The director of civil defense shall issue to all amateur radio operators registered under this Act an identification card containing the operator's photograph and fingerprints.

Section 2. All registered amateur radio operators shall be required to perform such duties in connection with radio operation as may be required of them by the Director of Civil Defense in his civil defense program or in time of any local, state or national emergency or disaster.

Section 3. (1) Any amateur radio operator registered under this Act who owns a motor vehicle equipped with radio, upon application each beginning year, accompanied by proof of being registered under this Act, and upon complying with all other laws of this state relating to the regulation and licensing of motor vehicles, and upon the payment of an additional license fee of one dollar, shall

be issued, within ninety days after such application, an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle. Any person purchasing a license plate under the provisions of this act shall be authorized to leave the original plate in the custody of the county clerk and attach the plate bearing the radio call letters on the vehicles so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall reissue same for use on any other vehicle owned by such radio station licensee.

(2) For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this section. A like amount shall be charged for the reissuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

Section 4. All fees collected under the provisions of section 1 of this Act shall be deposited in the State Treasury to the credit of a revolving fund for use in administering sections 1 and 2 of this Act.

By Mr. L. M. Tipton Reed.

H. B. No. 274. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss with no reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

By Mr. Moorman, Mr. Jones, Mr. Helm, Mr. Dowell, Mr. Duncan, Mr. Webster, Mr. Martin, Mr. Bleemel, Mr. Wells, Mr. Hadden, Mr. Fern, Mr. Lovelace, Mr. Rouse, Mr. Peniston, Mr. Maglinger, Mr. McClanahan, Mr. Cobb, Mr. Harris, Mr. Mitchell, Mr. Morris, Mr. Winstead, Mr. Bartley, Mr. Majors, Mr. Francis, Mr. Robert Reid, Mr. Young, Mr. Breathitt, Mr. Raybourne, Mr.

Melton, Mr. Wathen, Mrs. Wilson, Mr. Montgomery, and Mr. Qualls.

H. B. No. 275. AN ACT relating to the standardization of time for the Commonwealth of Kentucky, fixing a penalty for its violation and repealing all laws in conflict therewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The United States Standard Time based on the 90th Meridian of Longitude West of Greenwich, with such variations as are established by the Interstate Commerce Commission, shall be the legal time within the Commonwealth of Kentucky; provided, however, that nothing in this act shall be so construed as to be in contravention to any federal law or duly authorized order of the Interstate Commerce Commission with respect to time zone entered under the provisions of federal law.

Section 2. Any person, firm, association, or corporation, adopting any other system of time than that provided in this act in the operation of their business or the employment of labor shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and each day's operation contrary to this act shall constitute a separate offense.

Section 3. All laws, including Section 2.150 of the 1950 Legislative Supplement to the Kentucky Revised Statutes, in conflict with this act are hereby repealed.

By Mr. Cosby.

H. Res. No. 36. A JOINT RESOLUTION authorizing the recognition of the one hundredth anniversary of the founding of Berea College, Berea, Kentucky, and providing that the Government and people of the Commonwealth of Kentucky share in the observance of this anniversary, etc.

Said resolution is as follows, viz:

WHEREAS, Berea College, begun in 1855, was founded upon the constitutional principle of responsible freedom of expression, for which its founder, John G. Fee, his teachers and

supporters suffered, and from which has developed during the century a system of education unique in America today; and

WHEREAS, Berea College provides education without charge of tuition to students of the Appalachian Mountain area from 230 counties in eight Southern States, selecting young men and women on this basis of financial need, high moral character, sincerity of purpose, and academic scholarship without regard to race or creed, and adapting its educational program to fit the special needs of these registrants; and

WHEREAS, Berea College is not supported by public taxation, but depends for its maintenance upon the income from endowment and gifts provided by friends and foundations located over the entire length and breadth of this land, being supporters of this Institution because of its public-spirited ideals and the high quality of its academic program; and

WHEREAS, this College has always recognized the essential and honorable nature of labor well done as basic in the philosophy of Education and has evolved a unique work program for students as an integral part of its educational process; and

WHEREAS, the work program has so distinguished Berea graduates in personal characteristics of integrity, self-confidence, and productivity as to command the favorable attention of statesmen and educators throughout the United States and also to serve as a pattern for educational progress in foreign lands; and

WHEREAS, this labor system produces through the Berea College Student Industries arts and crafts so distinguished in craftmanship as to be sought in world markets, thus bringing great credit to Berea College and the Commonwealth of Kentucky; and

WHEREAS, Berea College participated in the origin of the present Agricultural County Agent program of the U. S. Department of Agriculture by sharing in the employment of the pioneer County Agent forty years ago, and by aiding in the support of the Home Demonstration Agent for the past twenty-six years; and

WHEREAS, Berea College shares its educational resources

by furnishing leadership in much needed cultural and recreational activities in the isolated mountain areas; and

WHEREAS, Berea College has led in the preservation of the rich inheritance of the Appalachian folk arts and handicrafts for the enjoyment of all America; and

WHEREAS, the large percentage of Berea graduates find their place of service in the Southern Mountains as teachers, doctors, nurses, agricultural experts, and home economists, thus directly contributing to a higher standard of living; and

WHEREAS, during the year 1955 there are to be held at Berea College in Berea, Kentucky, appropriate ceremonies, conferences, and sixty performances of a drama by Paul Green, commemorating the College's century of service, which will be attended by the great and the plain people from far and near in this United States, who will have recalled to their minds the cost of freedom, the responsibilities of educated men, and the value of labor as a part of education;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Government and people of the Commonwealth of Kentucky unite with Berea College in Berea, Kentucky, in a fitting observance of the one hundredth anniversary of its founding.

Mr. Maglinger moved that the House recess for thirty minutes.

The thirty minutes having expired, Speaker Burnley resumed the chair.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 3. AN ACT relating to annexation of territory by sanitation districts in counties not containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Kentucky Revised Statutes is hereby created to read as follows:

When the board of directors of a district in a county not containing a city of the first class desire to annex territory to the district, it shall cause to be filed with the commissioner a petition setting forth a reasonably accurate description of the territory proposed to be annexed, together with a statement of the reasons constituting the necessity for annexation of the territory. No such petition shall be declared void on account of alleged defects, but the commissioner may at any time permit amendments in form and substance to conform to the facts, by correcting any errors in the description of the territory or in any other particular.

Section 2. A new section of Kentucky Revised Statutes is hereby created to read as follows:

(1) When a petition for annexation of territory to a district is filed with the commissioner, he shall investigate at once the boundary of the territory proposed to be annexed, and may, at the cost of the district, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by annexation of the territory in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the district.

(2) Should it be found desirable to include in the territory to be annexed by a district all or a portion of a city of the second, third, fourth, fifth or sixth class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area.

(3) When the boundaries of the territory proposed to be annexed have been fixed by the commissioner as prescribed in

subsection (1) of this section, he shall give notice of the application for annexation of the territory by posting a notice in at least ten places in the territory proposed to be annexed, or by publishing it in at least two consecutive, regular editions of a newspaper of general circulation in the territory proposed to be annexed.

Section 3. A new section of Kentucky Revised Statutes is created to read as follows:

Any owner of real property in the territory proposed to be annexed who wishes to object to the annexation of the territory to the district shall, within sixty days after the giving of notice by the commissioner, file his petition in the circuit court of the county in which the larger part of the territory proposed to be annexed is located, naming the commissioner defendant and setting out in his petition his objections to the annexation of the territory. The commissioner shall be represented in the circuit court by the county attorney and in the Court of Appeals by the Attorney-General, and he also may require his defense to be made by the district. The issues may be made up and the case may be docketed for hearing as in an action for a declaration of rights. An appeal to the Court of Appeals may be taken in the manner provided in the Rules of Civil Procedure, but such appeals shall be docketed within sixty days from the entry of judgment, unless the time be extended by the lower court, but in no event beyond one hundred and twenty days from the entry of judgment. The appeal may be advanced for immediate hearing and submission. The burden of proof shall be upon the plaintiff to show cause why the territory, or any portion of it, should not be annexed to the district. If the court renders judgment against the commissioner, the judgment shall point out the changes required for annexation of the territory, which, if met by the commissioner, shall authorize annexation of the territory. If the proposed changes are not met by the commissioner, the territory shall not be annexed unless new proceedings are instituted in the manner prescribed by Sections 1 and 2 of this Act, but such new proceedings shall not be instituted for a period of six months after the date of judgment. If the court gives judgment against the plaintiff, the board of directors may annex the territory. An appeal taken as authorized in this section shall suspend the judgment until the case has been passed upon by the

Court of Appeals and final judgment rendered. Either the plaintiff or the commissioner may appeal from the judgment of the circuit court to the Court of Appeals, but the commissioner shall not be required to make any appeal bond. Except as otherwise provided in this section, the pleading and practice shall be the same as in other suits in equity.

Ordered to be printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 32. AN ACT relating to the payment of expenses of members of the General Assembly and the Lieutenant-Governor.

H. B. No. 35. AN ACT relating to members of city council and city officers in cities of the fourth class, and amending subsection (1) of Section 86.050 of the Kentucky Revised Statutes and Section 86.230 of the Kentucky Revised Statutes.

H. B. No. 67. AN ACT relating to the terms of court in the Twenty-third Judicial District.

Ordered that said bills be delivered to the Enrollment Clerk.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

H. B. No. 25. AN ACT relating to a Compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development and operation of an interstate park to be known as The Breaks Interstate Park.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

REPORTS OF COMMITTEES

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 47. AN ACT relating to the Legislative Research Commission.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Rayburn, of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 140. AN ACT relating to fees of jailers and increasing certain fees.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 172. AN ACT relating to special judges and amending Sections 23.220 and 23.230 of the Kentucky Revised Statutes, and repealing Sections 23.240 and 23.250 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 141. AN ACT relating to the appointment of deputy coroners; the holding of inquests and amending section 72.040 of KRS.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Dowell, Chairman of the Committee on Cities of the Fifth Class, to which same had been refererd, reported favorably a bill of the following title, viz:

H. B. No. 227. AN ACT changing the classification of the city of Loyall, in Harlan County.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

JOINT RESOLUTION No. 6. A JOINT RESOLUTION inviting Adlai E. Stevenson to address a joint session of the General Assembly.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

JOINT RESOLUTION No. 19. A JOINT RESOLUTION expressing support of the Tennessee Valley Authority.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

JOINT RESOLUTION No. 10. A JOINT RESOLUTION petitioning Congress to provide for the canalization and impounding of the Big Sandy River.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 80. AN ACT relating to traffic regulations and equipment of vehicles.

With the expression of opinion that same should pass with Committee amendment, as follows, viz:

Amendment—On page 1, section 1, line 6 and 7 to read as follows: "nor to public utility repair vehicles at the scene of an emergency repair job".

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 31. AN ACT relating to reinstatement of War Veterans in public position or employment held before entering service, and amending section 61.370 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 118. AN ACT relating to animals and fowls running at large.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

S. B. No. 68. AN ACT changing the classification of the City of St. Matthews in Jefferson County.

H. B. No. 90. AN ACT relating to agricultural Experimentation, and amending Section 247.020 of the Kentucky Revised Statutes.

H. B. No. 165. AN ACT relating to dairying and creating a dairy commission.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 30. AN ACT relating to the imposition of state occupational license taxes, and amending Section 137.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person for resale in this state cigarettes upon which the state cigarette tax has been paid, there is imposed a license fee of twenty-five dollars per annum. "Possessing" as used in this subsection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of

the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

(2) For each restaurant serving meals, a license fee of ten dollars per annum is imposed.

(3) For each retail outlet of soft drinks or ice cream, a license fee of five dollars per annum is imposed. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax of ten dollars per annum only shall be charged.

(4) For each theater, a license fee of twenty cents per seat per annum is imposed, the minimum charge to be ten dollars per annum. In case of open air or drive-in theaters, each parking space for a vehicle from which the performance may be viewed, shall be construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneducational or noncharitable organizations or persons use such buildings.

(5) For each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee of thirty dollars per annum for the first table or alley and five dollars per annum for each additional table or alley is imposed.

(6) For each place where tobacco products are sold at retail, a license fee of ten dollars per annum is imposed.

(7) For the privilege of engaging in the practice of being a medium, clairvoyant, soothsayer, fortune teller, palmist, phrenologist or spiritualist or like activity a license fee of twenty-five dollars per annum is imposed.

Mr. Kearby offered the following amendment and moved its adoption.

Amendment No. 1—On page 3, section 7, line 43, By striking the words "twenty-five" and inserting in lieu thereof the words "one hundred".

Said motion agreed to.

Said amendment adopted.

Mr. Melton offered the following amendment and moved its adoption.

Amendment No. 2—On page 3, section 7, line 43, by deleting the words twenty-five and substituting therefor the words five hundred.

Upon motion of Represenative Melton, the proposed amendment was withdrawn.

Said motion was agreed to.

Mr. Kearby moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Kearby moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Edward T. Breathitt, Jr.	William J. Conley
Clarence J. Barnum	Edward O. Bridgers	R. Josh Cosby
Wallace Bartley	John Young Brown	Vernor O. Cottengim
Owen Billington	Charles W. Buchanan	Charles W. Craig
Leo A. Bleemel	Paul Cobb	W. Marvin Davis
J. Murray Blue		C. E. Dowell
J. C. Bradley		Harold Edmonds

Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
E. H. Stumbo
James Treadway
Eulick Walsh
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
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Those who voted in the negative were—

Cassius M. Clay
Paul E. Young
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Resolved that the title thereof be as aforesaid.

Mr. Kearby moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 59 be placed on the Clerk's desk.

Said motion was agreed to.

Title of said bill is as follows, viz:

H. B. No. 59. AN ACT relating to the examination of witnesses in civil actions.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 111. AN ACT relating to hunting on private property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever in the opinion of the legislative body of a city of the first class a cemetery located within the boundaries of such city has been abandoned and the land comprising the said cemetery is needed for a public purpose, an ordinance may be enacted declaring such cemetery, as described by metes and bounds, to be abandoned and authorizing the city attorney to institute suit for the city in the circuit court of the county in which the city is located against the property comprising the cemetery to declare the said cemetery abandoned and to vest title thereto in the said city.

Section 2. Upon the filing of the complaint the city shall give notice thereof by publishing for five consecutive days in the newspaper having the largest circulation in the county in which the city is located a notice describing the property and the purpose of the said suit.

Section 3. Within thirtv days after the last advertisement, any party having a claim to the cemetery or any lot therein or to the mortal remains of a person interred therein, may file his claim in the said proceeding for damages as compensation for the value of his interest in the cemetery or lot to which he has claim. Upon the filing of the aforesaid claim the circuit court shall appoint as commissioners three impartial housekeepers who are owners of land. They shall be sworn to faithfully and impartially discharge their duties. The commissioners shall view the land involved and they may hear evidence or make any inquiry they desire touching the value thereof and award to the claimants who are owners thereof the value of the property taken. They shall return a written report to the office of the clerk of the circuit court describing separately the property which is the subject of each claim. Either the claimant or the city may file exceptions to this report and demand a jury trial. The commissioners shall be allowed a reasonable fee which shall be taxed as costs.

Section 4. If no claim is made within thirty days after the last advertisement, or if claims have been made and compensation duly paid either to the claimants or into court, the court shall declare the cemetery to be abandoned and enter judgment accordingly, vesting fee simple title in the city of the first class. Thereafter claimants shall have thirty days in which to remove the mortal remains and monuments from lots to which they have been adjudged to have claim, the reasonable cost thereof to be paid by the city. If, within thirty days after entry of judgment said remains have not been removed by the claimants thereto, it shall be the duty of such city, through its proper officers, to pay for the removal of the monument and the disinterment, removal, and the re-interment of such body, or bodies, in such other cemetery in the county in which said city is located as the protesting lot owner may designate, or if no designation be made, to another suitable cemetery in the county.

Section 5. The cost of the proceeding shall be borne by the city, and the burden of proof shall be upon the claimant to establish his interest and to establish that it has not been abandoned.

Mr. Hobart Rayburn moved that H. B. 111 be tabled.

Two members having asked for a roll call, viz: Mr. Rouse and Mr. Peniston, the yeas and nays are as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	Harold Edmonds
Walter J. Bailey	Cassius M. Clay	Addison L. Everett
John Rhea Banton	William J. Conley	Thomas P. Fitzpatrick
Wallace Bartley	R. Josh Cosby	Cabell D. Francis
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	W. L. Hadden
Owen Billington	Charles W. Craig	C. Ruby Harralson
J. Murray Blue	John L. Day	George F. Harris
Edward T. Breathitt, Jr.	C. E. Dowell	Harold G. Helm
John Young Brown	James A. Dressman, Jr.	Lon C. Hill
	O. O. Duncan	Estill R. Hilton
		Varna Holt

William M. Horn	Carl D. Melton	Mrs. Thelma L. Stovall
Talmage Lacy	Alton B. Mitchell	E. H. Stumbo
James W. Lambert	Thomas J. Murphy	C. Waitman Taylor
Shelby McCallum	Roger E. Qualls	James Treadway
Caleb McFadden	Hobart Rayburn	W. W. Webster
William E. Maglinger	L. M. Tipton Reed	Charles W. Wirsch
William C. Mann	Robert Reid	Dr. Clyde D. Wooton
William J. Marcum	LeRoy Saylor	Paul E. Young
George R. Martin	W. R. Smith	

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Those who voted in the negative were—

J. C. Bradley	Robert K. Montgomery	Edward D. Pollitte
Harry M. Caudill	Walter R. Moorman	Paul T. Ratcliffe
W. Marvin Davis	Eddie J. Morris	Jack Raybourne, Jr.
Herbert Fern	Goebel W. Newsom, Jr.	Lloyd E. Rogers
David Heskamp	Foster Ockerman	Joe Rouse
Jennings H. Kearby	Louis T. Peniston	William A. Routh
Ralph E. McClanahan		Cecil C. Sanders
		T. D. Winstead

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So said bill was tabled.

Mr. Burnley, the Speaker, having vacated the chair, Mr. Lowman assumed the chair as Speaker pro tem.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 116. AN ACT relating to the manner of holding elections in cities of the second, third and fourth classes having city manager form of government, and amending sub-(section 1) of section 89.460 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 89.460 of the Kentucky Revised Statutes is hereby amended to read as follows:

At all elections held under the city manager form of government the ballots shall be on a different sheet from all other ballots to be used in the election and shall be in the form therein pre-

scribed, except the words "City Ballot" shall be at the head thereof. Any public questions submitted by the commission to the electorate shall be printed on the city ballot. The names of all candidates for each office shall be printed on the ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots in alphabetical order, and on each of the succeeding fifty ballots the names shall be printed in the same order except that the first name on the preceeding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, and the last name so shifted from the first place on the preceeding fifty ballots shall be succeeded by the second name. A like change or rotation shall be made throughout in the printed order of names for every fifty ballots.

Mr. Burnley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Burnley moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Walter J. Bailey	Leo A. Bleemel	Charles W. Buchanan
Clarence J. Barnum	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Cassius M. Clay
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Paul Cobb
	Edward O. Bridgers	William J. Conley

R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 67. AN ACT relating to the terms of court in the Twenty-third Judicial District.

H. B. No. 35. AN ACT relating to members of city council and city officers in cities of the fourth class, and amending subsection (1) of Section 86.050 of the Kentucky Revised Statutes and Section 86.230 of the Kentucky Revised Statutes.

H. B. No. 32. AN ACT relating to the payment of expenses of members of the General Assembly and the Lieutenant-Governor.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

INTRODUCTION OF BILLS

Mr. Caudill moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to.

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Caudill, Mr. Dowell, Mr. Brown, Mr. Saylor, Mr. Bartley, Mr. Pollitte, Mrs. Wilson, Mr. Ratcliffe, Mr. Smith, Mr. Rogers, Mr. Mobley, Mr. Mitchell, Mr. Craig, Mr. Holt, Mr. Buchanan, Mr. Breathitt, Mr. Hadden, Mr. Morgan, Mr. Fitzpatrick, Mr. Dempsey, Mr. Heyburn, Mr. Duncan, Mr. Sanders,

Mr. Morris, Mr. Martin, Mr. Fern, Mr. Rouse, Mr. Cobb, Mr. Heskamp, Mr. Reynolds, Mr. Routh, Mr. McFadden, Mr. Melton, Mr. Newsom, Mr. Reid, Mr. Lacy, Mr. Wells, Mr. Williams, Mr. Montgomery, Mr. Moorman, Mr. Bleemel, Mr. Horn, Mr. McClanahan and Mr. Mann.

H. B. No. 276. AN ACT relating to compensation of employers for the collection and timely remittance of taxes withheld by them.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every employer obligated by the laws of this state to withhold income tax from compensation payable to his employes shall be compensated for the collection and timely remittance of such tax by retaining two percent of the amount of tax due and accounted for and remitted to the Department of Revenue, provided the amount remitted was not delinquent at the time of payment.

By Mr. Horn.

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1951, and with respect to the other offices named in this section, on the first Monday in January, 1956, the compensation of the following named officers, payable monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, $10,000.

Lieutenant Governor, $3,000, this to be in addition to any

per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, and any compensation received while acting in the place of the Governor.

Attorney General, $8,500.

Superintendent of Public Instruction, $8,500.

Commissioner of Agriculture, Labor and Statistics, $7,500.

Secretary of State, $7,500.

State Treasurer, $7,500.

Auditor of Public Accounts, $7,500.

Clerk of the Court of Appeals, $7,500.

Mr. Heyburn moved that H. B. No. 105 retain is place in the Orders of the Day.

The title of said bill is as follows, viz:

H. B. No. 105. AN ACT changing the classification of the City of St. Matthews, in Jefferson County.

Said motion agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 122. AN ACT relating to carrying concealed deadly weapons, and amending subsection (1) of Section 435.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 435.230 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed deadly weapons, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon other than an ordinary pocket knife, to a minor, shall be fined not less than one hundred nor more than five hundred dollars.

(2) Any person convicted a second time under subsection (1) of this Act shall be fined not less than one hundred nor more

than five hundred dollars and confined in the county jail for not less than one month nor more than six months.

(3) Any person convicted a third time under subsection (1) of this Act shall be confined in the penitentiary for not less than one nor more than five years.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.230 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed deadly weapons, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon other than an ordinary pocket knife, to a minor, shall be fined not less than one hundred nor more than five hundred dollars or shall be confined in the county jail for not less than one month nor more than six months, or both.

(2) Any person convicted a second time under subsection (1) of this Act shall be confined in the penitentiary for not less than one nor more than five years.

Mr. Lowman moved the adoption of said Committee Substitute.

Motion agreed to by voice vote.

Said Committee Substitute was adopted.

Mr. Edmonds offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 2, line after line 12. To add Section No. 3 to read as follows:

"Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons."

Said motion was agreed to.

Said amendment was adopted.

Mr. Edmonds moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Edmonds moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Harry M. Caudill
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
William L. Jones
Jennings H. Kearby
Talmage Lacy
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman

Louis T. Peniston	Cecil C. Sanders	Warren D. Williams
Edward D. Pollitte	W. R. Smith	Mrs. Randolph Wilson
Roger E. Qualls	Mrs. Thelma L. Stovall	T. D. Winstead
Paul T. Ratcliffe	C. Waitman Taylor	Charles W. Wirsch
Jack Raybourne, Jr.	James Treadway	Walker H. Wiseman
Hobart Rayburn	Eulick Walsh	Dr. Clyde D. Wooton
L. M. Tipton Reed	Will Tom Wathen	Paul E. Young
Robert Reid		
Lloyd E. Rogers		

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Those who voted in the negative were—

Charles W. Buchanan	Lon C. Hill	William A. Routh
O. O. Duncan	Varna Holt	LeRoy Saylor
	George R. Martin	E. H. Stumbo

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Mr. Edmonds offered the following amendment and moved its adoption:

Amendment No. 2—Title. Which is as follows, viz:

House Bill No. 122. AN ACT relating to carrying concealed deadly weapons, and amending subsection (1) of Section 435.230 of the Kentucky Revised Statutes.

Said motion was agreed to.

Said amendment to the title was adopted.

Mr. Edmonds moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 126. AN ACT relating to mining, and prohibiting same within five feet of property line, and amending subsection (1) of Section 352.490 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 352.490 of the Kentucky Revised Statutes is hereby amended to read as follows:

No owner or tenant of any land containing coal shall engage in mining within five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief.

Mr. Smith moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Smith moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	John Young Brown	James A. Dressman, Jr.
John Rhea Banton	Charles W. Buchanan	Harold Edmonds
Clarence J. Barnum	Harry M. Caudill	Addison L. Everett
Wallace Bartley	Cassius M. Clay	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	Paul Cobb	Cabell D. Francis
Owen Billington	R. Josh Cosby	Harold G. Helm
J. C. Bradley	Vernor O. Cottengim	Henry R. Heyburn
Edward T. Breathitt, Jr.	Charles W. Craig	Estill R. Hilton
	John L. Day	

William M. Horn	Walter R. Moorman	Mrs. Thelma L. Stovall
William L. Jones	Thomas J. Murphy	C. Waitman Taylor
Jennings H. Kearby	Goebel W. Newsom, Jr.	Will Tom Wathen
Talmage Lacy	Louis T. Peniston	W. W. Webster
George H. Lovelace	Roger E. Qualls	Hicks Wells
Shelby McCallum	Paul T. Ratcliffe	William B. Wells
William E. Maglinger	Jack Raybourne, Jr.	Warren D. Williams
Damon Majors	Hobart Rayburn	Mrs. Randolph Wilson
William C. Mann	L. M. Tipton Reed	T. D. Winstead
William J. Marcum	Robert Reid	Charles W. Wirsch
Carl D. Melton	Lloyd E. Rogers	Walker H. Wiseman
Alton B. Mitchell	William A. Routh	Dr. Clyde D. Wooton
Robert K. Montgomery	Cecil C. Sanders	Paul E. Young
	W. R. Smith	

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Those who voted in the negative were—

Edward O. Bridgers	Varna Holt	Eddie J. Morris
William J. Conley	Ralph E. McClanahan	Foster Ockerman
W. L. Hadden	George R. Martin	E. H. Stumbo
Lon C. Hill		Eulick Walsh

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Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Newsom moved that when the House adjourn, it adjourn in honor of Representative Maglinger.

Said motion was agreed to.

Mr. Dressman moved that the House adjourn until 1:00 P. M. Wednesday, February 10, 1954.

Said motion was agreed to.

And the House did then adjourn.